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SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12001–12050

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 23, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12001. Adulteration and misbranding of brewers' grains. U. S. v. 336 Sacks of Brewers' Grains. Decree entered providing for release of product under bond. (F. & D. No. 17687. I. S. No. 10577–v. S. No. E–4463.)

On August 15, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 336 sacks of brewers' grains, at Rising Sun, Md., consigned on or about January 18, 1923, alleging that the article had been shipped by the Atlantic Export Co., from Montreal, Canada, and imported from a foreign country into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Lbs. Dried Brewers Grains Protein 25% Fat 6% Fibre 14% Atlantic Export Company Produce Exchange Bldg., New York."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and for the further reason that a substance low in protein had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Protein 25%," was false and misleading and deceived and misled the purchaser in that the said statement represented that the article contained 25 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On December 20, 1923, the Stewart M. Ward Co., Rising Sun, Md., having appeared as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12002. Adulteration and misbranding of cottonseed meal. U. S. v. 380 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18027. I. S. No. 8527–v. S. No. W–1440.)

On or about November 23, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 380 sacks of cottonseed meal, at Denver, Colo., consigned by Mutual Cotton & Oil Co., Phoenix, Ariz., alleging that the article had been shipped from Phoenix, Ariz., on or about September 18, 1923, and transported from the State of Arizona into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Mutual Cotton and Oil Co. Phoenix, Arizona * * * Crude Protein 43.00 per cent."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted wholly or in part for said cottonseed meal.

Misbranding was alleged for the reason that the statement, "Crude Protein 43.00 per cent," appearing in the labeling, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of crude protein. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 2, 1924, the Mutual Cotton & Oil Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $800, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12003. Adulteration of blueberries. U. S. v. 110 Barrels of Blueberries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17872. I. S. Nos. 2808–v, 2809–v. S. No. E–4512.)

On October 24, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 110 barrels of blueberries, at Philadelphia, Pa., consigned by the E. M. Frye Packing Co., Harrington, Me., alleging that the article had been shipped from Harrington, Me., on or about September 7 and 11, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 28, 1923, E. M. Frye having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $7,500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12004. Adulteration of chestnuts. U. S. v. 6 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18155. I. S. No. 2928–v. S. No. E–4639.)

On December 10, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 sacks of chestnuts, at Philadelphia, Pa., consigned by J. A. Thompson, Christiansburg, Va., alleging that the article had been shipped from Christiansburg, Va., on or about October 20, 1923, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Jno A. Thompson R No. 2 Floyd, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12005. Adulteration of canned sardines. U. S. v. 24 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18144. I. S. No. 1998–v. S. No. E–4624.)

On December 7, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of sardines, at Philadelphia, Pa., consigned by the E. W. Brown Co., Portland, Me., alleging that the article had

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been shipped from Portland, Me., on or about November 20, 1923, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Clyde American Sardines * * * In Mustard Sauce * * * Packed At South Portland, Cumberland Co. Me. By E. W. Brown Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12006. Adulteration of chestnuts. U. S. v. 9 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18154. I. S. No. 2927–v. S. No. E–4638.)

On December 12, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 sacks of chestnuts, at Philadelphia, Pa., consigned by D. J. Powell, Vesuvius, Va., alleging that the article had been shipped from Vesuvius, Va., on or about October 19, 1923, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "D. J. Powell Montebello Va. Exp. Vesuvius, Va. Net 75#."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On December 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12007. Adulteration and misbranding of vinegar. U. S. v. 34 Barrels of Vinegar. Decree ordering release of product under bond. (F. & D. No. 17855. I. S. Nos. 6947–v, 6950–v. S. No. C–4128.)

On October 11, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 barrels of vinegar, at Gainesville, Tex., alleging that the article had been shipped by Russell Jobbers Mills, from Oklahoma City, Okla., in part on or about May 1 and in part on or about August 19, 1923, and transported from the State of Oklahoma into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Special Apple Vinegar Reduced To 4% Acetic Strength * * * Texas."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statement, "Apple Vinegar Reduced To 4% Acetic Strength," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 24, 1923, the Russell Products Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12008. Misbranding of crackers and gingersnaps. U. S. v. 3 Cases, et al., of Crackers and 3 Cases of Gingersnaps. Default decrees of condemnation and forfeiture. Products delivered to a charitable institution. (F. & D. No. 17751. I. S. Nos. 11568–v, 11569–v, 11570–v. S. Nos. W–1408, W–1409, W–1410.)

On August 30, 1923, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 3 cases of crackers, 32 boxes of crackers, and 3 cases of gingersnaps, at Reno, Nev., alleging that the articles had been shipped by

the Purity Biscuit Co., Salt Lake City, Utah, in part July 3 and in part August 3, 1923, and transported from the State of Utah into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The crackers in cases were labeled in part: (Package) "Soda Crackers Made By The Purity Biscuit Company Salt Lake City Minimum Net Weight 1 Lb. 4 Ozs." The crackers in boxes were labeled in part: (Case) "Poinseta * * * Biscuits The Purity Biscuit Company Salt Lake City. Net Wght 3 lbs." The gingersnaps were labeled in part: (Paper barrel) "Ginger * * * Snaps Made By The Purity Biscuit Company Salt Lake City Net Weight 1 Lb. 8 Oz."

Misbranding of the articles was alleged in the libels for the reason that the statements, "1 Lb. 4 Ozs.," "1 Lb. 8 Oz.," and "3 lbs.," appearing in the labeling of the respective articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 27, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be delivered to a charitable institution.

C. F. Marvin, *Acting Secretary of Agriculture.*

12009. Adulteration of mineral water. U. S. v. Texas Carlsbad Water Co., a Corporation. Pleas of guilty. Fine, $50 and costs. (F. & D. Nos. 9818, 15269. I. S. Nos. 6684–r, 6788–r, 2094–t.)

On August 2, 1919, and February 1, 1922, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in one count and an information in two counts against the Texas Carlsbad Water Co., Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about October 31, 1918, from the State of Texas into the State of Missouri, and on or about June 4, 1919, and October 19, 1920, respectively, from the State of Texas into the State of Louisiana, of quantities of mineral water which was adulterated. The article was labeled in part: "Mineral Wells Texas Carlsbad Water * * * From Mineral Wells, Texas. Address Texas Carlsbad Water Co."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted.

Adulteration of the article was alleged in the informations for the reason that it consisted wholly or in part of a filthy, decomposed animal or vegetable substance.

On December 10, 1923, pleas of guilty to the first information and to count one of the second information were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of $100, together with the costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12010. Misbranding of Smith's buchu lithia pills. U. S. v. 6 Dozen Boxes, et al., of Smith's Buchu Lithia Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17973, 17975, 17984. S. Nos. E–4556, E–4557, E–4558.)

On November 7, 1923, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 18 dozen small boxes and 2⅔ dozen large boxes of Smith's buchu lithia pills, at Portland, Me., alleging that the article had been shipped in part by C. F. Smith and in part by W. U. [C. F.] Smith, from Boston, Mass., in various consignments between the dates of August 27 and October 27, 1923, and transported from the State of Massachusetts into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libels for the reason that the boxes and accompanying circulars bore certain statements regarding the curative or therapeutic effects of the said article, as follows, (box) "For Rheuma-

tism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Grave [Gravel], Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent * * * [large size containing additional, 'Rheumatism And Kindred Diseases'],'' (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * * 'permanently cured [of] obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * *.' '* * * the best remedy for weak kidneys * * *.' '* * * recommend them to any one with suppression or stoppage of urine.' * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," which said statements were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic or curative effects claimed.

On November 28, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12011. Adulteration of mineral water. U. S. v. Texas Carlsbad Water Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 13179. I. S. No. 9532–r.)

On July 16, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Texas Carlsbad Water Co., a corporation, Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 16, 1920, from the State of Texas into the State of Louisiana, of a quantity of mineral water which was adulterated. The article was labeled in part: "Mineral Wells Texas Carlsbad Water * * * From Mineral Wells, Texas. Address Texas Carlsbad Water Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

On December 14, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

12012. Misbranding of olive oil. U. S. v. 47 Quart Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15706. I. S. Nos. 3584–t, 3585–t, 3586–t. S. No. C–3352.)

On December 7, 1921, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 47 quart cans, 23 half-gallon cans, and 11 gallon cans of olive oil, remaining in the original unbroken packages at Aurora, Minn., alleging that the article had been shipped by A. Joannidi & Co., from New York, N. Y., October 25, 1921, and transported from the State of New York into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Pure Olive Oil Horse Shoe Brand Trade Mark Guaranteed P & J Brand Packed By A. Joannidi, N. Y. ¼ Gallon Net" (or "½ Gallon Net" or "1 Gallon Net") " * * * * A. Joannidi."

Misbranding of the article was alleged in the libel for the reason that the statements on the respective-sized containers, "¼ Gallon Net," "½ Gallon Net," and "1 Gallon Net," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12013. Adulteration of canned sardines. U. S. v. 25 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17838. I. S. No. 2264–v. S. No. E–4493.)

On September 28, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of sardines, at Johnstown, Pa., alleging that the article had been shipped by the E. A. Holmes Packing Co., from Washington, D. C., on or about June 8, 1923, and transported from the District of Columbia into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Glanco Brand * * * Globe Canning Co. N. Lubec, Maine * * * American Sardines In Mustard Sauce."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12014. Adulteration and misbranding of cottonseed meal. U. S. v. 30 Bags, et al., of Cottonseed Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17175, 17177. I. S. Nos. 3259–v, 3272–v. S. No. E–4281.)

On or about January 19, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 105 bags of cottonseed meal, remaining unsold in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., on or about November 17, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "One Hundred Lbs. Second Class Cotton Seed Meal Manufactured by Planters Oil Co. Albany, Ga. Guaranteed Analysis. Ammonia * * * 7.00 per cent * * * Protein 36.00 per cent."

Adulteration of the article was alleged in the libels for the reason that a substance deficient in protein (ammonia) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Cotton Seed Meal * * * Guaranteed Analysis. Ammonia * * * 7.00 per cent * * * Protein 36.00 per cent," were false and misleading and deceived and misled the purchaser, since the article was deficient in protein.

On February 21, 1923, the Planters Oil Co., Albany, Ga., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of $450, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12015. Misbranding of potatoes. U. S. v. South Jersey Farmers Exchange, a Corporation. Plea of guilty. Fine, $20. (F. & D. No. 17250. I. S. No. 6404–v.)

On September 26, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the

South Jersey Farmers Exchange, a corporation, Alloway, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 28, 1922, from the State of New Jersey into the State of Missouri, of a quantity of potatoes which were misbranded. The article was labeled in part: (Sack) "150 Lbs. When Packed Jersey Exchange Potatoes South Jersey Farmers Exchange Woodstown, N. J."

Examination of the article by the Bureau of Chemistry of this department showed that the sacks contained approximately 5 per cent less than the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "150 Lbs.," borne on the sacks containing the article, was false and misleading in that it represented that each of the said sacks contained 150 pounds of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 150 pounds of the article, whereas, in truth and in fact, each of the sacks did not contain 150 pounds but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 26, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

12016. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18182. I. S. No. 15841–v. S. No. E–4648.)

On December 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, at Florin, Pa., consigned by the Eastern Cotton Oil Co., from Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about November 7, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the labels bore the statements, "Perfection Cotton Seed Meal 100 Lbs. Net * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," which were false and misleading. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 4, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12017. Adulteration of chestnuts. U. S. v. 9 Sacks of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18165. I. S. No. 2929–v. S. No. E–4625.)

On December 14, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 sacks of chestnuts, at Philadelphia, Pa., consigned by G. Geissman, Oakland, Md., alleging that the article had been shipped from Oakland, Md., on or about October 16, 1923, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed vegetable substance.

On January 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12018. Misbranding of Foley kidney pills. U. S. v. 4⅝ Dozen Bottles, et al., of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18020. S. No. E–4581.)

On November 15, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4⅝ dozen large bottles and 4¾ dozen small bottles of Foley kidney pills, at Boston, Mass., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about October 16, 1923, and transported from the State of Illinois into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material including resin and juniper oil.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, to wit, (bottle and carton) "Kidney Pills For Irritation [carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidney Pills For Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * *. In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The Bowels must be kept active * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12019. Adulteration of walnuts in shell. U. S. v. 20 Bags of Walnuts in Shell. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18030. I. S. No. 15795–v. S. No. E–4590.)

On November 20, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 bags of walnuts in shell, at New York, N. Y., alleging that the article had been shipped by Jos. Maresca & Sons, from Naples, Italy, on or about January 23, 1922, and imported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the article was in violation of section 7 of the act, paragraph 6, under food, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12020. Adulteration and misbranding of mineral water. U. S. v. Famous Mineral Wells Water Co., a Corporation. Plea of guilty to counts 1 and 4. Fine, $100 and costs. Counts 2 and 3 dismissed. (F. & D. No. 10289. I. S. No. 6162–r.)

On August 2, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Famous Mineral Wells Water Co., a corporation, Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 7, 1918, from the State of Texas into the State of Oklahoma, of a quantity of mineral water which was adulterated and misbranded.

The article was labeled in part: "Famous Mineral Wells Water * * * Guaranteed by Famous Mineral Wells Water Co. Mineral Wells, Texas;" (blown on bottle) "One Half Gallon."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the water was polluted. The water contained 5.4 grams per liter of dissolved mineral matter which consisted chiefly of sodium sulphate.

Adulteration of the article was alleged in count 1 of the information for the reason that it consisted in whole or in part of a filthy and decomposed animal and vegetable substance.

Misbranding was alleged in count 2 for the reason that the statement, to wit, "One Half Gallon," blown on the bottle containing the article, was false and misleading in that it represented that each of the said bottles contained one-half gallon of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained one-half gallon of the article, whereas, in truth and in fact, each of said bottles did not contain one-half gallon of the article but did contain a less amount. Misbranding was alleged in count 3 for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged in count 4 of the information for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing in the labeling, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, Bright's disease, diabetes, stomach troubles, female complaint, and insomnia, when, in truth and in fact, it was not.

On December 10, 1923, a plea of guilty to counts 1 and 4 of the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs. Counts 2 and 3 were dismissed.

C. F. Marvin, *Acting Secretary of Agriculture.*

12021. Adulteration of oysters. U. S. v. Herman A. Woodfield and William F. Woodfield (Herman A. Woodfield & Bro.). Pleas of guilty. Fine, $100 and costs. (F. & D. No. 17427. I. S. Nos. 1357-v, 1358-v.)

On July 19, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Herman A. Woodfield and William F. Woodfield, copartners, trading as Herman A. Woodfield & Bro., Galloways, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about January 11, 1923, from the State of Maryland into the District of Columbia, of quantities of oysters which were adulterated.

Examination of samples of the article by the Bureau of Chemistry of this department showed that the oysters were soft and spongy, somewhat bleached in appearance, with little oyster flavor or salinity, and had every appearance of being soaked. The two consignments contained 17.5 and 22 per cent, respectively, of thin watery liquor, having little oyster flavor and resembling water rather than oyster liquor.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On July 19, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of $100, together with the costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12022. Alleged adulteration and misbranding of butter. U. S. v. Henningsen Co., a Corporation. Tried to the court and a jury. Directed verdict of not guilty. (F. & D. No. 17139. I. S. Nos. 7857-v, 7858-v.)

On April 5, 1923, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Henningsen Co., a corporation, Butte, Mont., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 30, 1922, from the State

of Montana into the State of Idaho, of quantities of butter which was alleged to be adulterated and misbranded. The article was labeled in part: "Butter * * * Henningsen Company Butte, Montana."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the fat content of the said samples ranged from 78.57 to 79.86 per cent and that the moisture content ranged from 15.69 to 16.70 per cent.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist in part of a product deficient in milk fat and contained excessive water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, butter.

On November 5, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel the court instructed the jury to find the defendant not guilty on the ground that under the said act no authority existed, at the time of the alleged violation, for the regulation of the Secretary of Agriculture (Circular 136, June, 1919) defining butter.

C. F. Marvin, *Acting Secretary of Agriculture.*

12023. Misbranding of Eggine. U. S. v. Charles T. Morrissey (Charles T. Morrissey & Co.). Plea of guilty. Fine, $50. (F. & D. No. 11433. I. S. No. 6875–r.)

On January 31, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles T. Morrissey, trading as Charles T. Morrissey & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 30, 1918, from the State of Illinois into the State of Missouri, of a quantity of Eggine which was misbranded. The article was labeled in part: "Eggine * * * Chas. T. Morrissey & Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a mixture of cornstarch, baking powder, and casein, artificially colored with coal-tar dyes, principally tartrazine.

Misbranding of the article was alleged in the information for the reason that the statements appearing in the labeling, to wit, "Eggine," "Use As 12 Eggs," "Same As Eggs," and "can * * * be used instead of eggs in practically all kinds of cooking and baking," were false and misleading in that they represented that the article was an egg substitute and contained the same essential ingredients and constituents as eggs, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an egg substitute and could be used in the place of eggs in cooking and baking, whereas, in truth and in fact, it was not an egg substitute, did not contain the same essential ingredients and constituents as eggs, and could not be used in the place of eggs in cooking and baking.

On December 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

12024. Misbranding of lemon pie filler. U. S. v. Hilker & Bletsch Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 14326. I. S. Nos. 3896–t, 9907–r.)

On July 22, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hilker & Bletsch Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 13, 1920, from the State of Illinois into the State of Indiana, and on or about June 12,

1920, from the State of Illinois into the State of Wisconsin, of quantities of lemon pie filler which was misbranded. The article was labeled in part: "Royal Brand Lemon Pie Filler * * * Manufactured By Hilker & Bletsch Company Cincinnati Chicago St. Louis."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that a portion of the said article was an artificially colored mixture of cornstarch, cane sugar, and citric acid, flavored with lemon oil, and the remainder thereof was a white powder consisting of starch, sugar, and tartaric acid, flavored with a small quantity of lemon oil, but containing no eggs.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Lemon Pie Filler," borne on the labels attached to the cans containing the article, was false and misleading in that the said statement represented that the article consisted wholly of lemon pie filler, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of lemon pie filler, whereas, in truth and in fact, it did not so consist but a portion of the said article consisted of a mixture composed essentially of starch and sugar, flavored with tartaric acid and lemon oil, and contained no eggs or lemon juice, and the remainder thereof consisted in part of a mixture composed essentially of starch and sugar, flavored with citric acid and lemon oil, artificially colored, and contained no eggs or lemon juice. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, lemon pie filler.

On October 20, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

12025. Misbranding of Allan's compound extract of damiana and Vitalo. U. S. v. 6 Bottles, et al., of Allan's Compound Extract of Damiana and 19 Bottles, et al., of Vitalo. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15765, 15766, 15767, 15768. S. Nos. C–3452, C–3453, C–3454, C–3455.)

On March 25, 1922, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 bottles of Allan's compound extract of damiana, at Natchez, Miss., and 38 bottles of Vitalo, at Vicksburg, Miss., alleging that the articles had been shipped by the Allan-Pfeiffer Chemical Co., from St. Louis, in various consignments, namely, on or about July 9, 1920, and November 21 and December 6, 1921, respectively, and transported from the State of Missouri into the State of Mississippi, and charging misbranding in violation of the Food and Drugs Act, as amended. The compound extract of damiana was labeled in part: (Bottle) "A Tonic For Both Sex;" (carton) "Aphrodisiac * * * For General Weakness * * * Nervous Debility." The Vitalo was labeled in part: (Bottle) "Vitalo * * * Aphrodisiac;" (carton) "Aphrodisiac."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that Allan's compound extract of damiana consisted of extracts of plant drugs, including nux vomica, sugar, alcohol, and water, and that the Vitalo consisted of extracts of plant drugs, including damiana and nux vomica, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling was false and fraudulent in that the said articles did not have the curative or therapeutic effects claimed in the above-quoted statements and contained no ingredients or combinations of ingredients capable of producing such effects. Misbranding was alleged with respect to the compound extract of damiana for the further reason that it failed to bear on the label of the carton and bottle a statement of the quantity or proportion of alcohol contained in the said article.

On November 8, 1922, the owners of the property having appeared and consented that the Government might dispose of the product as the court might direct, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12026. Misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18190. I. S. No. 15840-v. S. No. E-4662.)

On December 21, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal, at Oxford, Pa., consigned by the Eastern Cotton Oil Co., from Edenton, N. C., alleging that the article had been shipped on or about November 8, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore the statements, "Perfection Cotton Seed Meal * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," regarding the said article and the ingredients and substances contained therein, which were false and misleading in that the said article did not in fact contain 41 per cent of protein, the equivalent of 8 per cent of ammonia. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 11, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12027. Adulteration and misbranding of flour. U. S. v. 360 Bags of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18167. I. S. No. 8583-v. S. No. W-1455.)

On December 15, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 bags of flour, at San Francisco, Calif., alleging that the article had been shipped by the Prairie Flour Mills, from Portland, Oreg., May 23, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Everybody's Flour Strength, Dependability, Uniformity, Quality High Patent Prairie Flour Mills, Distributors Lewiston, Idaho Bleached 98 Lbs."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Lbs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 7, 1924, the Haslett Warehouse Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $720, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the said act under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12028. Adulteration and misbranding of water. U. S. v. Crazy Well Water Co., a Corporation. Plea of guilty to counts 1 and 16. Counts 2 to 15, inclusive, and count 17 dismissed. Fine, $100. (F. & D. No. 12294. I. S. Nos. 5600-r, 5907-r, 5908-r, 7454-r, 7527-r, 7528-r, 7529-r, 7530-r, 7531-r, 7532-r, 7543-r, 7544-r, 7651-r, 7654-r, 7655-r.)

On August 12, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District

Court of the United States for said district an information in 17 counts against the Crazy Well Water Co., a corporation, Mineral Wells, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments between the dates of June 7, 1918, and June 4, 1919, from the State of Texas into the States of Oklahoma, Missouri, and Louisiana, respectively, of quantities of mineral water which was adulterated and misbranded. A portion of the article was labeled in part: "Crazy * * * The Crazy Well Water Company. Mineral Wells, Texas." The remainder of the said article was labeled in part: "Natural Gibson Well Water * * * The Crazy Well Water Company. Mineral Wells, Texas."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was polluted and that the dissolved mineral matter consisted chiefly of the chlorides, sulphates, and bicarbonates of sodium, magnesium, and calcium.

Adulteration of the article was alleged in counts 1 to 15, inclusive, of the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged in count 16 of the information, with respect to the product consigned December 12, 1918, into Louisiana, for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, functional stomach diseases, liver diseases (not organic), cystitis, diabetes, and Bright's disease, when, in truth and in fact, it was not.

Misbranding was alleged in count 17 of the information, with respect to the product consigned December 12, 1918, into Louisiana, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1923, a plea of guilty to counts 1 and 16 of the information was entered on behalf of the defendant company, and the court imposed a fine of $100. Counts 2 to 15, inclusive, and count 17 of the information were dismissed.

C. F. Marvin, *Acting Secretary of Agriculture.*

12029. Adulteration and misbranding of flour. U. S. v. 20 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18114. I. S. No. 8449–v. S. No. W–1450.)

On November 24, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 sacks of flour, at San Francisco, Calif., alleging that the article had been shipped by the Columbia River Milling Co., from Wilbur, Wash., October 22, 1923, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "Columbia River Milling Co. Corimico Montana Hard Wheat Patent Wilbur, Washn. Bleached Net Weight 98 Pounds When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 2, 1924, the Sharp Flour Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture*

12030. Misbranding of olive oil. U. S. v. Garibaldi Co., a Corporation. Plea of guilty. Fine, $300. (F. & D. No. 17691. I. S. Nos. 4443–v, 5502–v, 5503–v, 5504–v, 5505–v, 10016–v, 10017–v, 10018–v.)

At the November, 1923, term of the United States District Court within and for the Northern District of Illinois, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Garibaldi Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, between the dates of May 17 and November 29, 1922, from the State of Illinois in various consignments into the States of Minnesota, Alabama, and Ohio, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: (Bottles) "Extra Cyrilla Imported Olive Oil Net 6 Fluid Oz." (or "Net 2 Fluid Oz.") "The Garibaldi Co., Chicago."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the bottles contained less than the quantity declared on the respective labels, the shortages in the samples examined ranging in the 2-ounce size from 6.5 to 22.5 per cent and in the 6-ounce size from 9.50 to 11.8 per cent.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net 6 Fluid Oz." and "Net 2 Fluid Oz.," borne on the labels attached to the respective-sized bottles containing the said article, were false and misleading in that they represented that each of the said bottles contained 6 fluid ounces net, or 2 fluid ounces net, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 6 fluid ounces net, or 2 fluid ounces net, as the case might be, of the said article, whereas, in truth and in fact, each of the said bottles did not contain the amount declared on the respective labels but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $300.

C. F. Marvin, *Acting Secretary of Agriculture.*

12031. Misbranding of extract of lemon and extract of vanilla. U. S. v. Hallifax Bros. Co., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17789. I. S. Nos. 8096–v, 8479–v, 8480–v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hallifax Bros. Co., a corporation, Sacramento, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about August 16 and October 18, 1922, and January 10, 1923, respectively, from the State of California into the State of Nevada, of quantities of extract of lemon and extract of vanilla which were misbranded. The articles were labeled in part: (Cartons) "Hallifax Quality Pure Extract Of Lemon" (or "Vanilla") "Manufactured by The Hallifax Bros. Co. Sacramento, Cal. Net Measure 1½ Ozs."

Examination of samples of the articles by the Bureau of Chemistry of this department showed that the bottles contained less than 1½ ounces, the said samples ranging from 1.18 to 1.34 fluid ounces.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Net Measure 1½Ozs.," borne on the cartons enclosing the bottles containing the said articles, was false and misleading in that it represented that each of the said bottles contained not less than 1½ fluid ounces net of the article contained therein, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 1½ fluid ounces net of the article contained therein, whereas, in truth and in fact, each of said bottles did not contain 1½ fluid ounces net but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 12, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

12032. Misbranding of chocolate peanut butter bars. U. S. v. Baltimore Candy Co., a Corporation. Plea of guilty. Fine, $25 and costs. (F. & D. No. 17701. I. S. No. 2731–v.)

On October 3, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Baltimore Candy Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 25, 1923, from the State of Maryland into the State of Pennsylvania, of a quantity of chocolate peanut butter bars which were misbranded. The article was labeled in part: "Superior Meltaway Chocolate Peanut Butter Net weight 2 oz. Manufactured By Baltimore Candy Co. Baltimore, Md."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 36 bars was 1.90 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net weight 2 oz.," borne on the packages containing the article, regarding the said article, was false and misleading in that it represented that each of said packages contained 2 ounces net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 2 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 2 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 5, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12033. Misbranding of tea. U. S. v. Thomas J. Lipton, Inc., a Corporation. Plea of guilty. Fine, $20. (F. & D. No. 17788. I. S. Nos. 8463–v, 8464–v.)

At the November, 1923, term of the United States District Court within and for the Northern District of California, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Thomas J. Lipton, Inc., a corporation, trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about January 10 and 12, 1923, respectively, from the State of California into the State of Nevada, of quantities of tea which was misbranded. The article was labeled in part: "Lipton * * * Lipton's Chief Offices and Warehouses for the United States, Hoboken, New Jersey. Chicago * * * San Francisco * * * New Orleans * * * Lipton's Choicest Blend Of 10¢ Tea."

Misbranding of the article was alleged in the the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20.

C. F. Marvin, *Acting Secretary of Agriculture.*

12034. Adulteration and misbranding of canned oysters. U. S. v. 10 Cases, et al., of Canned Oysters. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 655–c, 658–c. S. Nos. E–4114, E–4142.)

On or about July 28 and August 1, 1922, respectively, the United States attorney for the Southern District of Florida, acting upon reports by officers of the Department of Agriculture of the State of Florida, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases of canned oysters, in part at Ybor City and in part at Tampa, Fla., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., May 30 and June 23, 1922, respectively, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. Office: Savannah, Ga."

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the labeling, to wit, "Contains 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser.

On November 13, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12035. Misbranding of Foley kidney pills. U. S. v. 9 Large Bottles and 11¾ Dozen Small Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18056. I. S. Nos. 7248–v, 7249–v. S. No. C–4184.)

On November 14, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 large bottles and 11¾ dozen small bottles of Foley kidney pills, at New Orleans, La., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about October 6, 1923, and transported from the State of Illinois into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained potassium nitrate, methylene blue, hexamethylene tetramine, and plant material, including resin and juniper oil.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, (bottle, carton, and circular) "Kidney Pills For Irritation [circular and carton, large size, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * *. In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * . 2nd—The bowels must be kept active. * * * 3rd—The diet is of great importance. * * * Satisfaction Guaranteed [the words, 'Satisfaction Guaranteed' were omitted from circular in small size]," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12036. Adulteration and misbranding of cottonseed meal. U. S. v. 54 Sacks of Alleged Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17873. I. S. No. 9003–v. S. No. E–4513.)

On October 26, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 54 sacks of alleged cottonseed meal, at Taunton, Mass., alleging that the article had been shipped by the Lancaster Cotton Oil Co., Lancaster, S. C., on or about July 20, 1923, and transported from the State of South Carolina into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than Protein, not less than (Equivalent to 8% ammonia) 41.00% * * * Nitrogen, not less than 6.58% * * * Made from Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia-nitrogen) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole and in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged in substance for the reason that the article was labeled, "Prime Cotton Seed Meal Guaranteed Analysis Not Less Than — Protein, not less than (Equivalent to 8% ammonia) 41.00% * * * Nitrogen,

not less than 6.58%," which statements were false and misleading and deceived and misled the purchaser in that they represented to purchasers that the article was cottonseed meal containing not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not less than 6.58 per cent of nitrogen, whereas, in truth and in fact, it was a product containing less than 41 per cent of protein, equivalent to less than 8 per cent of ammonia, and contained less than 6.58 per cent of nitrogen. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, cottonseed meal.

On December 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12037. Misbranding of assorted jellies. U. S. v. 38 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17459. I. S. Nos. 11363–v, 11364–v, 11365–v, 11366–v. S. No. C–3014.)

On April 16, 1923, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 cases of assorted jellies, at El Paso, Tex., alleging that the articles had been shipped by the Blanke-Baer Extract & Preserving Co., from St. Louis, Mo., on or about November 17, 1922, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Winyou Brand Pure Apple-Pineapple" (or "Apple-Raspberry" or "Apple" or "Apple-Strawberry") "Jelly * * * Mfd. By Blanke-Baer Extract & Pres. Co. St. Louis."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements on the labels that the said jars contained "Pure Apple-Pineapple Jelly," "Pure Apple-Raspberry Jelly," "Pure Apple Jelly," and "Pure Apple-Strawberry Jelly," as the case might be, were false and misleading and deceived and misled the purchaser for the reason that the jelly therein contained was not pure fruit jelly but contained pectin jelly that had been mixed and packed with and substituted wholly or in part for pure fruit jelly. Misbranding was alleged for the further reason that the articles were in imitation of and were offered for sale under the distinctive names of other articles. It was further alleged in the libel that the articles had been mixed and colored in a manner whereby damage or inferiority was concealed.

On October 2, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12038. Misbranding of tomatoes. U. S. v. Ocie V. Barger. Plea of guilty. Fine, $10 and costs. (F. & D. No. 16945. I. S. No. 3756–v.)

On December 23, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ocie V. Barger, Idlewild, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about July 15, 1922, from the State of Tennessee into the State of Illinois, of a quantity of tomatoes in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12039. Misbranding of Fernet De Vecchi. U. S. v. 3 Cases of Fernet De Vecchi. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 17485, 17486. I. S. No. 4133–v. S. No. C–3973.)

On May 1, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 3 cases of Fernet De Vecchi, at Chicago, Ill., alleging that the article had been shipped by the Banfi Co., from New York, N. Y., December 9, 1922, and transported from the State of New York into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of alcohol, water, a trace of an iron compound, and extractives from plant drugs, including a laxative drug and small amounts of alkaloids.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative or therapeutic effect of the said article, appearing on the bottle label and in the accompanying circular, (bottle and circular) "digestive * * * antifebrile * * * anticholeraic * * * recommended for people suffering from irritable nerves, lack of appetite, nausea, worms," (circular) "has the property of curing biliousness, giddiness and bad digestion," were false and fraudulent in that the said statements were applied to the said article so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was composed of or contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the several diseases, ailments, and afflictions mentioned upon the said bottle label and in the said circular.

On January 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12040. Misbranding of flour. U. S. v. 1,800 Sacks of Flour. Order entered providing for release of product under bond to be repacked. (F. & D. No. 18015. I. S. No. 19307–v. S. No. C–4173.)

On November 13, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,800 sacks of flour, at Memphis, Tenn., alleging that the article had been shipped by the Huegely Milling Co., Nashville, Ill., on or about October 27, 1923, and transported from the State of Illinois into the State of Tennessee, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "24 Lbs. Huegely Milling Co. * * * White Rabbit Highest Patent Flour Nashville, Illinois. Bleached."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the labeling, "24 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 27, 1923, the Huegely Milling Co., Nashville, Ill., having appeared as claimant for the property and having admitted the allegations in the libel, an order of the court was entered providing that the product be released to the said claimant upon the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned that it be repacked so that the sacks would contain the amount indicated thereon, and it was further ordered that the claimant pay the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

12041. Adulteration of canned tomatoes. U. S. v. 340 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17877. I. S. No. 1080–v. S. No. E–4511.)

On October 29, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 340 cases of canned tomatoes, at Baltimore, Md., alleging that the article had been shipped by the United Canneries Corp., from Newark, Del., on or about September 21, 1923, and transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

On November 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12042. Adulteration and misbranding of evaporated apples. U. S. v. 140 Cases of Evaporated Ring Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17549. I. S. No. 5547–v. S. No. C–3989.)

On June 2, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 cases of evaporated ring apples, at Minneapolis, Minn., alleging that the article had been shipped by the A. B. Williams Fruit Co., Sodus, N. Y., April 18, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "50 Lbs. Wedding Bells Brand Extra Choice New York State Evaporated Ring Apples A. B. Williams Fruit Co., Sodus, Wayne Co., New York."

Adulteration of the article was alleged in the libel for the reason that water or incompletely evaporated apples had been mixed and packed with and substituted wholly or in part for evaporated apples.

Misbranding was alleged for the reason that the statement, "Evaporated * * * Apples," was false and misleading and deceived and misled the purchaser.

On September 7, 1923, the A. B. Williams Fruit Co., Sodus, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12043. Misbranding of Remlock 300. U. S. v. George E. Remick (Remlock Hills Laboratory). Plea of guilty. Fine, $100 and costs. (F. & D. No. 15447. I. S. No. 2343–t.)

On December 22, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Remick, trading as the Remlock Hills Laboratory, Denver, Colo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 31, 1921, from the State of Colorado into the State of Missouri, of a quantity of Remlock 300 which was misbranded. The article was labeled in part: "Remlock 300 * * * Manufactured by Remlock Hills Laboratory Denver, Colo. U. S. A."

Anaylsis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of 99 per cent water and 1 per cent of calcium hypochlorite, calcium chloride, and calcium carbonate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, designs, and devices regarding its therapeutic and curative effect, appearing on the label of the bottle containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for diabetes and Bright's disease, when, in truth and in fact, it was not.

On December 10, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12044. Misbranding and alleged adulteration of assorted jellies. U. S. v. 1,400 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16761. I. S. No. 7901–v. S. No. W–1198.)

On August 21, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,400 cases of assorted jellies, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Temtor Corn &

Fruit Products Co., St. Louis, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about July 12, 1922, and transported from the State of Missouri into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars) "Clymer's Jelly Apple-Plum" (or "Apple-Raspberry" or "Apple-Grape" or "Apple-Blackberry" or "Apple-Strawberry" or "Pure Apple") "Contents 7 Ozs. Temtor Corn & Fruit Products Co. St. Louis."

Adulteration of the articles was alleged in substance in the libel for the reason that a product composed of pectin, sugar, tartaric acid and, with the exception of the product labeled "Pure Apple," containing artificial color, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and had been substituted wholly or in part for the various jellies. Adulteration was alleged with respect to the said articles, with the exception of the product labeled "Pure Apple," for the further reason that they were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the respective labels contained certain above-mentioned statements which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On April 24, 1923, the Best-Clymer Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered condemning the articles as being misbranded and ordering that they be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that they be relabeled in a manner satisfactory to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12045. Misbranding of Irongland tonic tablets. U. S. v. 9 Packages of Irongland Tonic Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17672. I. S. No. 11468–v. S. No. W–1398.)

On July 31, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 packages of Irongland tonic tablets, at Seattle, Wash., alleging that the article had been shipped by the Sanitary Products Co., from San Francisco, Calif., on or about April 20, 1923, and transported from the State of California into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted of pills containing an iron compound and material of animal origin, coated with sugar, starch, and calcium carbonate, and colored with a red dye.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (carton and pink circular) "Irongland tonic tablets are for the up-building of the Genital Organs of both Male and Female. * * * of Great Value in Restoring Youthful Vigor and Vitality to Weak, Rundown Nervous Men and Women," (carton) "Used For Sexual Debility Lost Vitality * * * Nervousness Asthenia Low Blood Pressure Weaknesses Sexual Neurasthenia," (pink circular) "If You Suffer From Sexual Debility Sexual Neurasthenia * * * Low Blood Pressure Nervousness * * * Lost Vitality Run-Down Condition General Weaknesses, Etc. Take Irongland Tonic Tablets * * * The Most Important Glands Are The Sex Glands * * * control the life energy of the whole system in both Male and Female. Every muscle, nerve and tissue is actuated by the tremendously powerful secretions from the sex glands. Depletion of the vital sex fluids always accompanies old age and debility. * * * A Rejuvenating Tonic and Gland Builder A Renewal of Strength, Especially to the Functioning of the Glands * * * for Low Vitality, loss of vigor and endurance in the overworked or abused male system. For Women: For weakened physical conditions, etc.," (white circular) "Rejuvenation for Men and Women * * * Recommended for Sexual Debility, Nervousness, General sicknesses," which were false and fraudulent and misleading and deceived and misled the purchaser.

On October 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12046. Misbranding of digester tankage. U. S. v. Rogers By-Products Co., a Corporation. Plea of guilty. Fine, $200. (F. & D. No. 17133. I. S. Nos. 3857–v, 3858–v, 3859–v, 13655–t.)

On July 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rogers By-Products Co., a corporation, trading at Aurora, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 30, July 3, and July 6, 1922, respectively, from the State of Illinois into the State of Iowa, and on or about March 30, 1922, from the State of Illinois into the State of Indiana, of quantities of digester tankage which was misbranded. A portion of the article was labeled in part: "Hyklass * * * Digester Tankage Guaranteed Analysis Protein 60% * * * Made By Rogers By-Products Co. Aurora, Ill." The remainder of the said article was labeled in part: "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein."

Analyses by the Bureau of Chemistry of this department of a sample taken from each of the four consignments of the product showed that it contained less protein than declared on the labels, the said samples containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein 60%," "Protein 60%," and "The Rogers By-Products Company, of Aurora, Ill., Guarantees this Hyklass Digester Tankage to contain not less than * * * 60.0 per cent. of crude protein," borne on the labels of the sacks containing the respective consignments of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 60 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of protein, whereas, in truth and in fact, the said article did contain less than 60 per cent of protein, the said consignments containing approximately 51.30, 52.41, 54.91, and 55.56 per cent, respectively, of protein.

On November 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $200.

C. F. Marvin, *Acting Secretary of Agriculture.*

12047. Misbranding of Syrup Leptinol. U. S. v. 32 Bottles of Syrup Leptinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16089. S. No. C–3509.)

On April 10, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 bottles of Syrup Leptinol, at Chicago, Ill., alleging that the article had been shipped by the Balsamea Co., from San Francisco, Calif., on or about December 5, 1921, and transported from the State of California into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of extract of *Leptotænia dissecta*, sugar, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative or therapeutic effects, appearing on the bottle containing the said article and in the accompanying wrapper and booklet, (bottle and wrapper) "Indicated In Pulmonary Tuberculosis, Epidemic Influenza, Pneumonia * * * Bronchial Asthma, Whooping Cough," (booklet) "Indicated In Pulmonary Tuberculosis Influenza Pneumonia Bronchial Asthma * * * Whooping Cough Laryngitis," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and create in the minds of such purchasers the impression and belief that the said article was

effective as a remedy for the several diseases, ailments, and afflictions mentioned in the labeling.

On January 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12048. Misbranding of Smith's buchu lithia pills. U. S. v. 132 Boxes of Smith's Buchu Lithia Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17953, 17954. S. Nos. E–4531, E–4532.)

On November 7, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 202 boxes of Smith's buchu lithia pills, at Philadelphia, Pa., consigned by C. F. Smith, from Boston, Mass., alleging that the article had been shipped from Boston, Mass., in part on or about September 17 and in part on or about September 18, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in substance in the libels for the reason that the labeling contained the following statements, designs, and devices regarding the curative or therapeutic effects of the said article, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * * 'permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * *.' * * * the best remedy for weak kidneys * * *.' * * * recommend them to any one with suppression or stoppage of urine.' * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On November 27, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12049. Adulteration of butter. U. S. v. 176 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18163. I. S. No. 15910–v. S. No. E–4642.)

On December 14, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 176 tubs of butter, at New York, N. Y., alleging that the article had been shipped by Cromer-Brown, Inc., from Chicago, Ill.,

on or about August 4, 1923, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

On January 28, 1924, Droste & Snyder, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,400, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12050. Adulteration of butter. U. S. v. 312 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 17639. I. S. No. 641–v. S. No. E–4438.)

On July 11, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 312 tubs of butter, at Jersey City, N. J., alleging that the article had been shipped by the J. A. Long Co., Union City, Ind., on or about June 13, 1923, and transported from the State of Indiana into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat and containing excessive moisture, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

On January 31, 1924, the Holland Butterine Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product, with the exception of such tubs thereof as might first have been released as complying with the act, be delivered to the factory to be reprocessed, and that after such reprocessing it be reexamined by this department, and so much thereof as should meet the requirements of the act be released and the remainder thereof destroyed.

C. F. Marvin, *Acting Secretary of Agriculture.*

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Allan's damiana extract: N. J. No.
Allan-Pfeiffer Chemical Co 12025
Apple jelly. *See* Jelly.
Apples, evaporated:
Williams, A. B., Fruit Co 12042
Blackberry jelly. *See* Jelly.
Blueberries, canned:
Frye, E. M., Packing Co 12003
Brewers' grains. *See* Feed.
Buchu lithia pills:
Smith, C. F 12010, 12048
Butter:
Cromer-Brown 12049
Henningsen Co 12022
Long, J. A., Co 12050
Chestnuts. *See* Nuts.
Chocolate candy. *See* Confectionery.
Confectionery, chocolate peanut butter bars:
Baltimore Candy Co 12032
Cottonseed meal. *See* Feed.
Crackers:
Purity Biscuit Co 12008
Damiana extract:
Allan-Pfeiffer Chemical Co 12025
Eggine:
Morrissey, C. T., & Co 12023
Extract, lemon:
Hallifax Bros. Co 12031
vanilla:
Hallifax Bros. Co 12031
Feed, brewers' grains:
Atlantic Export Co 12001
cottonseed meal:
Eastern Cotton Oil Co 12016, 12026
Lancaster Cotton Oil Co 12036
Mutual Cotton & Oil Co 12002
Planters Oil Co 12014
tankage:
Rogers By-Products Co 12046
Fernet De Vecchi:
Banfi Co 12039
Fish, sardines:
Brown, E. W., Co 12005
Holmes, E. A., Packing Co 12013
Flour:
Columbia River Milling Co 12029
Huegely Milling Co 12040
Prairie Flour Mills 12027
Foley kidney pills:
Foley & Co 12018, 12035
Gingersnaps:
Purity Biscuit Co 12008
Grape jelly. *See* Jelly.
Irongland tonic tablets:
Sanitary Products Co 12045
Jelly, apple:
Blanke-Baer Extract & Preserving Co. 12037
Temtor Corn & Fruit Products Co 12044
blackberry:
Temtor Corn & Fruit Products Co 12044
grape:
Temtor Corn & Fruit Products Co 12044
pineapple:
Blanke-Baer Extract & Preserving Co. 12037
Jelly, plum: N. J. No.
Temtor Corn & Fruit Products Co 12044
raspberry:
Blanke-Baer Extract & Preserving Co. 12037
Temtor Corn & Fruit Products Co 12044
strawberry:
Blanke-Baer Extract & Preserving Co. 12037
Temtor Corn & Fruit Products Co 12044
Kidney pills:
Foley & Co 12018, 12035
Lemon extract. *See* Extract.
Leptinol, syrup:
Balsamea Co 12047
Mineral water. *See* Water.
Nuts, chestnuts:
Geissman, G 12017
Powell, D. J 12006
Thompson, J. A 12004
walnuts:
Maresca, Joseph, & Sons 12019
Oil, olive:
Garibaldi Co 12030
Joannidi, A., & Co 12012
Olive oil. *See* Oil.
Oysters. *See* Shellfish.
Pie filling:
Hilker & Bletsch Co 12024
Pineapple jelly. *See* Jelly.
Plum jelly. *See* Jelly.
Potatoes:
South Jersey Farmers Exchange 12015
Raspberry jelly. *See* Jelly.
Remlock 300:
Remlock Hills Laboratory 12043
Sardines. *See* Fish.
Sexual pills:
Sanitary Products Co 12045
Shellfish, oysters:
Hilton Head Packing Co 12034
Woodfield, H. A., & Bro 12021
Smith's buchu lithia pills:
Smith, C. F 12010, 12048
Strawberry jelly. *See* Jelly.
Syrup Leptinol:
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Water:
Crazy Well Water Co 12028
Famous Mineral Wells Water Co 12020
Texas Carlsbad Water Co 12009, 12011

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12051–12100

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 17, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12051. Adulteration and misbranding of canned oysters. U. S. v. 20 Cases of Oysters. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17677. I. S. No. 11962–v. S. No. W–1400.)

On August 1, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of oysters, at Santa Ana, Calif., consigned by J. Langrall & Bro., Inc., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about April 24, 1923, and transported from the State of Maryland into the State of California and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Parrott Brand Baltimore Cove Oysters Contains 4 Oz. Oysters Packed by J. Langrall & Bro., Inc., Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Oysters," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On September 4, 1923, W. H. Booth & Co., Santa Ana, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12052. Misbranding of vinegar. U. S. v. Naas Cider & Vinegar Co., Inc., a Corporation. Plea of guilty. Fine, $300. (F. & D. No. 16014. I. S. Nos. 3567–t, 4161–t, 4163–t, 4172–t, 5024–t, 5068–t, 5069–t, 5071–t, 5242–t, 5245–t, 5246–t, 5247–t, 5248–t, 5250–t, 5476–t, 5829–t, 5830–t, 5913–t, 6357–t, 6359–t, 6360–t, 6469–t, 6488–t, 7840–t, 7841–t, 7843–t, 13158–t.)

On December 19, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Naas Cider & Vinegar Co., Inc., a corporation, Cohocton, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments between the dates of May 18 and November 17, 1920, from the State of New York into the States of Illinois, Connecticut, Pennsylvania, Massachusetts, Minnesota, New Hampshire, Rhode Island, New Jersey, and

Maine, respectively, of quantities of vinegar which was misbranded. The article was labeled variously: (Bottles) "Contents 1 Pint Blue Bird * * * Apple Cider Vinegar;" "Contents One Pint Boulevard Brand * * * Pure Cider Vinegar;" "Steuben Brand * * * Net Contents One Pint Reduced Cider Vinegar * * * Naas Cider & Vinegar Co., Inc. Cohocton, N. Y.;" "Cider Vinegar * * * NA-CO Brand * * * Net Contents One Pint Naas Cider & Vinegar Co., Inc. Cohocton, N. Y.;" "C. C. C. Brand * * * Net Contents 16 Fl. Oz."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the said bottles contained less than the declared contents, the average shortage in the said samples ranging from 1.2 to 5 per cent.

Misbranding of the article was alleged in the information for the reason that the respective statements, to wit, "Contents 1 Pint," "Contents One Pint," "Net Contents One Pint," and "Net Contents 16 Fl. Oz.," borne on the labels attached to the bottles containing the variously labeled lots of the said article, were false and misleading, in that the said statements represented that each of the said bottles contained 1 pint or 16 fluid ounces net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 1 pint or 16 fluid ounces net, as the case might be, of the article, whereas, in truth and in fact, each of said bottles contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 8, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $300.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12053. Adulteration of shell eggs. U. S. v. Albert J. Olson and Axel H. Lideen (Olson & Lideen). Pleas of guilty. Fine, $50. (F. & D. No. 17523. I. S. No. 7549-v.)

On October 11, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert J. Olson and Axel H. Lideen, copartners, trading as Olson & Lideen, Orleans, Nebr., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about October 12, 1922, from the State of Nebraska into the State of Colorado, of a quantity of eggs which were adulterated. The article was labeled in part: "Olsen & Lideen Orleans, Nebr."

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 58, or 8.055 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 10, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12054. Adulteration of canned salmon. U. S. v. 100 Cases, et al., of Salmon. Default decrees of condemnation and forfeiture. Product sold for fertilizer. (F. & D. Nos. 18128, 18129, 18130, 18131, 18132. I. S. No. 911-v. S. No. E-4622.)

On December 4 and 5, 1923, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 575 cases, each containing 4 dozen cans of salmon, remaining unsold in the original unbroken packages in part at Savannah and in part at Claxton, Ga., alleging that the article had been shipped by the Hidden Inlet Canning Co., Inc., from Seattle, Wash., on or about October 15, 1923, and transported from the State of Washington into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Steamboat Brand * * * Pink Alaska Salmon Packed By Hidden Inlet Canning Co. Main Office: Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On January 14, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold for fertilizer.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12055. Adulteration of mineral water. U. S. v. 264 Cases, et al., of Mineral Water. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17856, 17887, 17961. I. S. Nos. 7129–v, 7145–v, 7146–v, 7147–v. S. Nos. C–4130, C–4139, C–4158.)

On or about October 11, October 29, and November 6, 1923, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 326 cases of mineral water, at New Orleans, La., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about September 18, 1923, and transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Bottle) "No. 1" (or "No. 2" or "No. 3" or "No. 4") "Crazy * * * This is a Natural, Saline, Alkaline Mineral Water * * * The Crazy Well Water Company. Mineral Wells, Texas. One-Half Gallon."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal and vegetable substance, in that a portion of the said article contained bacillus coli and the remainder thereof showed pollution.

On December 3, 1923, the Crazy Well Water Co., Mineral Wells, Tex., claimant, having stipulated that decrees of forfeiture might be entered, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by dumping the water and that the bottles and cases be returned to the claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12056. Adulteration of canned salmon. U. S. v. 496 Cases, et al., of Salmon. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered, with proviso that product might be released under bond to be reconditioned. (F. & D. Nos. 17383, 17385, 17385–a, 17385–b. I. S. Nos. 6651–v, 6655–v. S. Nos. C–3951, C–3953.)

On March 17, 20, and 25, 1923, respectively, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,195 cases of salmon, remaining in the original unbroken packages in various lots at St. Louis, Poplar Bluff, Sikestown, and Cape Girardeau, Mo., respectively, alleging that the article had been shipped by the Griffith-Durney Co., Seattle, Wash., in part on or about October 24 and in part on or about October 27, 1922, and transported from the State of Washington into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Aviation Brand * * * Chum Salmon Fresh Alaska * * * Chum Salmon North Pacific Trading and Packing Company San Francisco, Cal." The remainder of the article was labeled in part: (Can) "Klawack Brand * * * Salmon * * * Packed At Klawack Alaska, U. S. A. By The North Pacific Trading And Packing Company San Francisco Calif."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of filthy, decomposed, and adulterated animal substance.

On January 16, 1924, the North Pacific Trading & Packing Co., San Francisco, Calif., having appeared as claimant for the property, and the four libels having been consolidated into one action, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Faris, *J.*):

"GENTLEMEN OF THE JURY: I shall now endeavor, as best I can, to give you what I deem to be the law of this case. This proceeding is a civil action. It is what is called a libel, that is, the Government, under a statute commonly called, I believe, the Food and Drugs Act, has provided for the seizure of articles of food, and drugs as well, though none of those are in issue here, whenever such articles of food fail to comply with the provisions of the statute that I have mentioned.

" The Government has also made it a criminal offense, a misdemeanor punishable by fine or imprisonment, or both fine and imprisonment, for the transportation across a State line, that is, from one State to another, of articles of food which do not comply with the act that I have mentioned; that, however, is not in this case. There are, as forecast, two methods: One is by prosecuting the shipper and fining him or sending him to jail; the other is by seizing the article which he ships, in a case such as this, called, I repeat, a libel, and of trying out the issues, and should it be determined that the article of food in question by its condition contravenes the law then the Government has the right, by a decree of court, to have that article either condemned or destroyed, or to have it, if I may so express it, rehabilitated under a bond which the claimant in the case is required to give, conditioned that the article be by such rehabilitation put in a condition to conform to the statute.

" Now, that is all this case is about. The case may be tried either before the court or by a jury. If it be tried by a jury certain issues are presented to that jury, or a certain issue of fact is presented to that jury. The decree, then, upon the finding of the jury is entered by the court in accordance with the law.

" Your duty in this case is simply to pass upon the single question of whether the salmon seized, two different brands, I believe in effect, the Klawack and the Aviation brands, do or do not comply with the provisions of this pure food act in the behalves that I shall presently mention to you.

" Questions of the nature of the shipment—that it was shipped by the claimant in the case, that it was shipped in interstate commerce and therefore is brought within the law—are all conceded fairly, honestly, and candidly by the claimant.

"The suit, of course, is brought by the United States against the salmon itself. The practice, you will observe, is somewhat peculiar, but the owner of that salmon may come in and become a claimant, that is, a sort of defendant in the case, and ask that it be not condemned, but that it be returned to him, denying any allegations of its unfitness, as alleged by the Government in the libel.

" The claimant in this case is the Northern Pacific Trading & Packing Co., a corporation under the laws of California, engaged in business in Prince of Wales Island, in southeastern Alaska.

" So, you have the issue here—you have the Government upon the one hand alleging certain things, and the claimant, standing in the shoes of a defendant, having taken the place of the cases of salmon, and becoming, in effect, a defendant.

" The statute provides against adulteration, that is, it forbids adulteration of a food; and an article shall be deemed to be adulterated, in the case of food, for a number of reasons, but the pertinent reason here in this case is numbered 6:

" ' That for the purposes of this act an article shall be deemed to be adulterated * * *. Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.'

" Now, that is the statute that is in issue in this case. That statute raises the question that you are called upon to decide, and that question, in its simplest analysis, is whether the salmon in controversy here consists in whole or in part of filthy, decomposed or putrid animal substance.

" You may cut out, of course, the question of filth, except in so far as that word ' filthy ' throws light upon ' decomposed.' Bearing in mind that the word ' filthy ' may modify, or throw light upon the word ' decomposed,' the question is: What is the meaning of the word ' decomposed '? It uses the word ' decomposed ' as well as the word ' putrid.' We all know what putrid means. Putrid means absolutely rotten and decayed, but the statute uses also ' decomposed.' We have to go to the dictionary, which is the ordinary source of definition of words used in the English language, in order to find out what ' decomposed ' means. It is the past participle, I believe, of the verb ' decompose.' The verb ' decompose ' means to rot or decay. The past participle, that is, ' decomposed,' therefore, means in a state of decomposition. Decomposition, of course, is a noun and means the condition of being decayed, putrid, or rotten. Substantially, that is what it means.

" So, if you shall find that the article—and I shall return presently to the word ' article ' and try, as best I may, to define it for you—was in a filthy, decomposed or putrid condition, that is, that it was decomposed, that it was in

a state of decomposition, you are warranted in finding the issues for the Government and against the claimant.

"The great difficulty, gentlemen, as a matter of law, as well as a matter of fact in this case—and this is a difficulty which presents itself to the court as well as to you, gentlemen, as the triers of fact—arises from the situation here presented. In a seizure of four different lots of salmon contained in hundreds of cases, and amounting in all, I believe the evidence shows, to about 72,000 one-pound cans, a part of those cases, mayhap, or a part of the contents of those cases, certainly, is shown by the evidence to be good and a part is shown to be bad, if you find that is the fact. Commenting upon the evidence, there seems to be but little dispute about it, that that was the condition here, since there is but a negligible difference between the experts for the Government upon the one hand and the experts for the claimant upon the other.

"You will note that the statute which I read to you contains the word 'article' and in that word, and in a correct definition of that word, the trouble in this case, both of law and of fact, lies. I think the meaning of the word 'article,' that is, as to whether it means a single one-pound can, or whether it means one of these lots of 496 cases or not, must necessarily be found from a construction of the entire statute. I am constrained to conclude, as a matter of law, that the word 'article' as used in this statute does have reference to the case or cases seized, and that it does not have reference to a single, individual can. If it had reference to a single, individual can then a man who shipped in interstate commerce 72,000 cans, or a corporation which so shipped them, could, upon conviction, be imprisoned in jail or fined the full amount of the penalties mentioned by the statute, for each single, individual can. There would be great objection, of course, to that. If but 5 per cent of 72,000, if 16 per cent of 72,000 of those cases were bad, you would have the peculiar result in the case of having the amount of the penalty multiplied by the number of cans. If you conclude that 'article' means 'cans' you would have no trouble in the case as to the cans that were actually bad. There is not any doubt that those ought to be thrown out, provided you find that they were decomposed, within the purview of the definition which I have given you.

"So, I think, for the purpose of this proceeding, the word 'article,' as used in the statute, means the lot seized under each of the single counts of this libel. You will recall that there were four separate cases, but these cases have been combined into a single consolidated case, of which the former four separate cases now constitute counts 1, 2, 3, and 4, respectively.

"Now, gentlemen, something has been said in the case about there being an issue here as to whether tainted salmon, that is, salmon which was spoiled, or tainted, or decomposed before it was canned, after it has been canned and processed and subjected to heat at 240 degrees Fahrenheit, is hurtful to health. I charge you, as a matter of law, that it does not make any difference in this case. The statute forbids the sale, through interstate commerce, or the transportation in interstate commerce, of an article of food which is decomposed, but it does not say anything about whether that article be hurtful or non-hurtful to health. So, I charge you as a matter of law, that that cuts no figure, even though you should find that it might be perfectly healthful. That is clear, and I went further in reading that statute than is necessary for the point involved here, in order to point that moral, because you will note that that statute forbids the transportation in interstate commerce, for the use of food, of the carcass of an animal that has died otherwise than by slaughter. No one would contend that the death of an animal from a natural cause would make that, when used as food, unhealthful food or food dangerous to health. Going, for the moment, into the realm of literature, we are told by Sir Walter Scott, in a number of his novels, that our Scotch friends, in early times, at least, were addicted to the use of mutton of that sort which they called 'braxy' mutton.

"So I charge you, as a matter of law, that it makes no difference what your finding shall be as to whether it was healthful or unhealthful. The object of the law, as shown by the words used, was to keep away from the consumer things that were filthy, according to our common understanding. Of course, 'filthy' and 'filth' are relative terms. What might be filth to you might be attar of roses to a Siwash Indian. So the term as used is merely a relative one.

"Something has been said here about decomposition. Decomposition begins, of course, in a sense, where life ends, but that is not the sort of decomposition meant in this statute. To a degree, the moment a thing begins to live, in a sense it begins to die, and the moment that life is out, decomposition, to a degree, begins and increases faster and faster to rottenness, decomposition, or

decay. It is necessary, therefore, to give a reasonable construction to that word, in order to carry out the intent of this statute.

"Now, gentlemen, something has been said in the case about the matter of tolerance. The statute itself provides for no tolerance, and, while the statute provides for the making by the Secretary of Agriculture of certain rules and regulations, these rules and regulations, the witnesses tell us, have never yet been made by the Secretary of Agriculture. There may be difficulties of a practical nature in the making of them. It might be a matter of unwisdom to make them, because the making of them might invite violation to the full extent of the per cent of tolerance permitted, but that is neither here nor there. The statute provides for no tolerance, and none has been provided for by any rule or regulation, which the statute seems to give power to the Secretary of Agriculture to make. I think, however, something must be said on that question of tolerance, and I think it is a matter which, when absent statute and when absent regulation—and I have told you that there seems to be none—must be addressed to your sound common sense and idea of justice, in the light of your experience as business men.

"I use the word 'tolerance,' of course, in the sense that it is the usual and ordinary per cent of decomposed salmon which would get into a case of salmon, or into a lot of many cases, in the face of the use of ordinary care by those engaged in the business of canning salmon, when such canners are using that degree of care which an ordinarily careful and prudent person would exercise under similar circumstances. I think you ought to be permitted to determine, under the evidence, whether such tolerance, or any tolerance, in this business, ought to be allowed. You ought to do that from the evidence.

"The witnesses have gone very broadly here, very minutely here, and at great length here, in many instances, into the matters of catching these fish, bringing them to the canneries, of canning them, and of processing them, and have told you candidly, on both sides, how they are gotten, where they are gotten, how far away they are gotten, and what is the condition of them after 48 hours, after 72 hours, and after 96 hours. So I think it is reasonable to say that occasionally, necessarily a bad salmon, decomposed salmon, salmon forbidden by this law that I have called your attention to here, creeps into these cases and into these shipments, in spite of the canners. I know of no other way by which that per cent or degree of tolerance can be figured out except by the use of your sound common sense and ideas of right and justice, in the light of your experience as men and as business men. But one of the witnesses touched upon that question, I say, by way of comment upon the evidence. He said that in his opinion it ought to be about one-half of one per cent, as I recall it. Certainly, in my opinion, it would strike a man of ordinary business judgment, common sense and ideas of justice, that it might be impossible to prevent some bad or decomposed salmon, or forbidden salmon, to get into a lot of many cases. Whether the amount here in these four cases, or four counts of this single case, or in either of those four counts, be greater or less than the per cent of tolerance that I have undertaken to define to you, is a question for you, gentlemen. The season, of course, as the evidence shows in the case, is short. It runs from June to September. That, I take it, is due to the fact that the run of salmon is short.

"Now, gentlemen, I have undertaken to give you my view of the statute, and I again repeat to you that it is a very difficult statute, because it is a statute that has not up to now been construed very often, and the courts which have seen fit to construe it, unfortunately, have not agreed with each other, and perhaps, in a case or two, have not agreed with themselves. I have endeavored to give you my views of the law, however, as it strikes me. The duty of doing this is upon me and you are not concerned about it, whether I have given it correctly or not; so long as you follow what I say about it, that ends your duty.

"When you come to the evidence, however, you, and not the court, are the sole judges of the credibility of the witnesses and of the weight and value to be given to the testimony of the witnesses. You are warranted in taking into consideration their manner and appearance upon the stand, their manner of testifying, the probability or improbability of the testimony which they gave, and their opportunity to see and observe and profit by, and their ability accurately to relate what they saw, heard, or attempted to relate. You may take into consideration their interest in the case for plaintiff, or for the claimant. Having done this, it is your province to give to their testimony that credibility which you deem it entitled to.

"I have commented, in a few places, upon the evidence. You are to accept that comment in the light of the rule that I have given you, that is to say, that you, and not the court, are the sole judges of matters of evidence and of the credibility of witnesses. If you do not agree with what I have said, it is not only your privilege but your duty to follow your own views and cast out of your minds what the court has said, and the opinions given by the court as well, about this evidence.

"I have had prepared for you a single form of verdict, because, as I say, there is but one issue to be found by you. Upon that finding by you I am permitted, by the law that I read to you, by the decree I make, either to order the salmon to be condemned or destroyed, or order it to be rehabilitated, if you shall find for the plaintiff. If you find for the claimant upon this single issue then, of course, the salmon seized is to be returned to the claimant. You may, therefore, use this single form of verdict. I have used the words 'libelant' and 'claimant,' so you may strike out either 'libelant' or 'claimant' and the verdict will be proper.

"If your verdict shall be for the plaintiff on the first count (formerly case 6327) you may render this verdict: 'We, the jury in the above entitled consolidated cause, find the issues herein joined under count 1 (formerly case 6327) in favor of the libelant.' On the other hand, if your finding should be in favor of claimant, draw your pen through the word 'libelant' and it will then be all right. So, also, with the other three counts. There must be a finding upon each of the counts. I have had prepared a verdict accordingly.

"Your verdict must be unanimous, gentlemen; each of your number, twelve in all, must concur in any verdict which you shall render.

"Now, gentlemen, that is all that occurs to me. If there are any suggestions or objections to the charge I shall be glad to hear them."

"Mr. Elvins. I have no suggestions to offer, because I think the court has covered it entirely, but I do, for the purpose of the record, desire to offer an exception to that part of your honor's charge which dealt with tolerance and allowed the jury to determine, from the rule which your honor gave them, whether or not that should enter into the case, because the Government is of the opinion that under the statute it would not be a jury question. That is the only exception."

"Mr. McPheeters. If the court please, there are just two objections that I would like to make. The first one is to the court's interpretation and ruling on the meaning of the word 'article,' which the claimant contends means the individual can rather than the case, or the entire lot, and we therefore object to the instruction for that reason. Second: We object to the court's ruling on the question of the fact as to whether or not the salmon was or was not injurious to health. We object on the ground that that question necessarily enters into and is connected with the matter of the reasonableness, or the amount of tolerance. In other words, that things that would be injurious to health should not be tolerated, or the percentage should be very minute, but as to things that are not injurious there might be a wider range of tolerance.

"I also think, your honor, and I suggest that possibly there may be a little confusion on this question. It occurred to me when the court was dictating the instructions. I got the impression that the jury was authorized to find a seizure of all the salmon if they found that a part, no matter how small, of the salmon was decomposed. I think that was probably cured by the latter part of the charge, but there was some uncertainty in my mind about it."

"The Court. Well, if those are objections and exceptions to the charge you may have them. If they are requests for additional and further charges, they are denied."

The jury then retired and after due deliberation returned on January 18, 1924, a verdict for the Government.

On March 13, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $3,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned by actual recanning, under the supervision of this department, the bad portion to be destroyed and the good portion to be released to the said claimant. On April 5, 1924, the claimant having failed to file a bond, a writ ordering the destruction of the product was entered.

Howard M. Gore, *Acting Secretary of Agriculture.*

12057. Adulteration and misbranding of apples. U. S. v. Josiah C. Howard (W. E. Howard & Sons). Plea of guilty. Fine, $25. (F. & D. No. 17059. I. S. Nos. 6050–t, 6076–t.)

On March 6, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Josiah C. Howard, trading as W. E. Howard & Sons, Holley, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about March 9 and 14, 1922, respectively, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated and misbranded. The article was labeled in part: "New York Standard A Baldwins. Min. Size 2½ In. Packed by W. Newman LeRoy, N. Y. Min. Vol. 3 Bus."

Examination by the Bureau of Chemistry of this department of certain barrels from each consignment showed that the said barrels contained many apples that were under the size declared on the label, many that were infested with insects, and some that were badly rusted. Certain of the barrels examined contained apples which were wholly without color.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A and of less than 2½ inches in diameter each had been substituted in part for New York Standard A apples of 2½ inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A * * * Min. Size 2½ In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that it represented that the said barrels contained only New York Standard A apples of at least 2½ inches in diameter each, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A apples of at least 2½ inches in diameter each, whereas, in truth and in fact, said barrels did not contain only New York Standard A apples of at least 2½ inches in diameter each but contained in part apples of a lower grade and quality and contained in part apples of less than 2½ inches in diameter each.

On November 13, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12058. Adulteration of grapefruit. U. S. v. 30 Dozen Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17836. I. S. No. 853–v. S. No. E–4494.)

On September 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 dozen boxes of grapefruit, at New York, N. Y., alleging that the article had been shipped by P. B. Armstrong, from Palmetto, Fla., September 21, 1923, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Lion Brand."

Adulteration of the article was alleged in the libel for the reason that immature grapefruit, artificially colored, had been mixed and packed with and substituted for the article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

On October 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12059. Misbranding of Foley kidney pills. U. S. v. 14 7/12 Dozen Bottles of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18018. S. No. E–4576.)

On November 15, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 7/12 dozen bottles of Foley kidney pills, at Baltimore, Md., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., on or about July 11, 1923, and transported from the State of Illinois into the State

of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, methylene blue, hexamethylene tetramine, and plant products, including resin and a volatile oil such as juniper or turpentine oil.

Misbranding of the article was alleged in the libel for the reason that the following statements borne upon the bottle label and carton and in the accompanying circular, regarding the curative and therapeutic effect of the said article, to wit, (bottle and carton) "Kidney Pills For Irritation of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidney Pills For Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * *. In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The Bowels must be kept active * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent, in that the article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On January 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12060. Adulteration of shell eggs. U. S. v. 420 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17835. I. S. No. 17826–v. S. No. C–4097.)

On August 7, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 420 cases of eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Newton Produce Co., from Newton, Iowa, July 31, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On August 22, 1923, Louis H. Brink, trading as Louis H. Brink & Sons, claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12061. Misbranding of canned clams. U. S. v. Twitchell-Champlin Co., a Corporation. Plea of nolo contendere. Fine, $100. (F. & D. No. 16970. I. S. No. 5475–t.)

On February 24, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Twitchell-Champlin Co., a corporation, Portland, Me., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 20, 1921, from the State of Maine into the State of Massachusetts, of a quantity of canned clams which were misbranded. The article was labeled in part: (Can) "Hatchet Brand * * * Fresh Clams * * * Contains 5 Oz. Clams * * * The Twitchell-Champlin Co. Portland, Me. & Boston, Mass."

Examination by the Bureau of Chemistry of this department of 12 cans from the consignment showed an average net weight of 4.66 ounces of clam meat.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contains 5 Oz. Clams," borne on the labels attached to the cans containing the article, was false and misleading, in that it represented that each of the said cans contained 5 ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5 ounces of the said article, whereas, in truth and in fact, each of said cans did not contain 5 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 17, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12062. Adulteration of canned salmon. U. S. v. 528 Cases of Salmon. Default decree ordering destruction of the product. (F. & D. No. 17463. I. S. Nos. 6216–v, 6570–v. S. No. C–3917.)

On April 20, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 428 cases of salmon, at El Dorado, Ark., alleging that the article had been shipped by the Hidden Inlet Canning Co., Seattle, Wash., on or about December 28, 1922, and transported from the State of Washington into the State of Arkansas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Steamboat Brand * * * Pink Alaska Salmon Packed By Hidden Inlet Canning Co. * * * Seattle, Wash., U. S. A. * * * Contents 1 Lb."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 24, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12063. Misbranding of Sal-Tonik. U. S. v. 750 Blocks of Sal-Tonik. Decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 18011. I. S. No. 5317–v. S. No. C–4066.)

On November 14, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 750 blocks, 50 pounds each, of Sal-Tonik, at North Platte, Nebr., alleging that the article had been shipped by the Guarantee Veterinary Co., from Sioux City, Iowa, on or about October 4, 1920, and transported from the State of Iowa into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 88.4 per cent of sodium chloride, with small proportions of sodium sulphate, calcium carbonate, calcium sulphate, magnesium chloride, iron oxide, sodium sulphite, and sodium bicarbonate, and traces of plant material.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effect were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton and circular) "Disease Preventive Worm Destroyer;" (circular) "composed of * * * worm destroying drugs * * * worm destroyers * * * Is A Vermifuge (Worm Destroyer) * * * stock * * * will 'Doctor Themselves Automatically.' * * * supplies them with * * * vermifuges (worm destroyers) just When and Where your hogs * * * sheep * * * cows * * * horses need them and 'Doctors Them Automatically' * * * positively destroys stomach worms and free intestinal worms As Soon As They Are Hatched * * *. This is the * * * way to rid your stock of worms. * * * prevents many diseases caused by these worms. * * * works along the

lines of prevention: that is Kill The Worm While It Is Small * * * Is intended to keep your animals From Getting Sick. * * * to Destroy The Worm As Soon As It Is Hatched." It was further alleged in substance in the libel that the product was also misbranded in violation of the general paragraph of section 8 of the said act, in that the label stated that sulphate of iron, quassia, American wormseed (*Chenopodium*), and Levant wormseed (*santonica*) were present, whereas the analysis of the product showed them to be absent.

On January 11, 1924, the Union Pacific Railroad Co. having interposed a claim for the property based on a lien by said claimant, decree of condemnation was entered, and it was ordered by the court that the product be sold or destroyed by the United States marshal, pursuant to law, and that any funds resulting from the sale be applied, first, to the payment of the costs of the proceedings, second, to the discharge of the claim of the said Union Pacific Railroad Co., and third, that the balance be paid into the Treasury of the United States.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12064. Adulteration of shell eggs. U. S. v. Joseph Gloster Velvin. Plea of guilty. Fine, $50 and costs. (F. & D. No. 17808. I. S. No. 5929–v.)

On December 13, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Gloster Velvin, Swink, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about June 25, 1923, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. G. Velvin Swink Okla."

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 145, or 40 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 19, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12065. Adulteration and misbranding of soluble saccharin. U. S. v. 2 Boxes of Alleged Saccharin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11245. I. S. No. 7106–r. S. No. C–1464.)

On October 1, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 boxes, 5 pounds each, of alleged saccharin, at Dallas, Tex., alleging that the article had been shipped by the Sethness Co., from Chicago, Ill., on or about July 30, 1918, and transported from the State of Illinois into the State of Texas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cosco Guaranteed Under The Food And Drugs Act * * * Sethness Company Chicago, U. S. A. Est. 1884 Cosco Brand Soluble Saccharine."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized by the United States Pharmacopœia and National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia and Formulary, official at the date of investigation. Adulteration was alleged for the further reason that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding was alleged in substance for the reason that the label, "Guaranteed Under The Food And Drugs Act. * * * Soluble Saccharine." was false, untrue, and misleading in that the said statement represented that the article was soluble saccharin and was guaranteed under the terms of the Food and Drugs Act, whereas it was not soluble saccharin as defined by the tests laid down in the United States Pharmacopœia and Formulary, and the strength and purity of the said article fell below the professed standard and quality of soluble saccharin. Misbranding was alleged for the further reason that the article

was an imitation of and was offered for sale under the distinctive name of another article, namely, soluble saccharin.

On March 3, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12066. Misbranding of DeWitt's kidney and bladder pills. U. S. v. 4 Dozen Large Bottles, et al., of DeWitt's Kidney and Bladder Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17879. I. S. No. 6716–v. S. No. C–4138.)

On October 27, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 dozen large bottles and 9 dozen small bottles of DeWitt's kidney and bladder pills, at St. Louis, Mo., alleging that the article had been shipped by E. C. DeWitt & Co., Chicago, Ill., on or about September 5, 1923, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Kidney & Bladder Pills For Weak Kidneys, Inflammation of the Bladder, Scalding Urine and Backache, due to certain kidney disorders;" (carton) "Kidney And Bladder Pills For Inflammation of the Kidneys and Bladder, Scalding * * * Urine, too frequent desire to urinate and Backache due to Inflamed Kidneys. * * * Kidney Complaints;" (circular) "Kidney & Bladder Pills * * * for the Kidneys, the Bladder * * *. For Certain Forms of Rheumatism and Pains in the Back * * * Too Frequent Desire to Urinate, Aching Limbs, Burning Sensation, Backache, due to Certain Forms of Kidney Trouble, Irritation of the Bladder. * * * Bed-Wetting * * * (Enuresis) * * * irritations and obstructions or malformations in the urinary organs; long, narrow foreskin; irritation in rectum * * * worms; strong urine; weakness of bladder muscles * * * Weak, Sickly Kidneys * * * act as an antiseptic."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of methylene blue, potassium nitrate, and plant material, including a volatile oil such as juniper oil.

Misbranding of the article was alleged in the libel for the reason that the statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12067. Adulteration and misbranding of butter. U. S. v. Du Quoin Bottling Co., a Corporation. Plea of guilty. Fine, $250 and costs. (F. & D. No. 16217. I. S. No. 1238–t.)

On May 15, 1922, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Du Quoin Bottling Co., a corporation, Du Quoin, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 7, 1921, from the State of Illinois into the State of Missouri, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Perfection Brand Butter Pure Sanitary Fresh One Pound Net * * * Manufactured by Du Quoin Bottling Company Du Quoin, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said article was deficient in butterfat and contained excessive moisture. Examination by said bureau showed that 3 prints averaged 0.958 of a pound.

Adulteration of the article was alleged in the information for the reason that a mixture deficient in butterfat and containing an excessive amount of water had been substituted in whole or in part for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net," borne on the packages containing the article, regarding the said article and the substance contained therein, were false and misleading, in that they represented that the article consisted wholly of butter and that each

of said packages contained 1 pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a mixture deficient in butterfat and contained an excessive amount of water, and each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12068. Misbranding of Foley kidney pills. U. S. v. 9 Bottles, et al., of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18047. I. S. No. 6715–v. S. No. C–4182.)

On November 14, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 large bottles and 9 dozen small bottles of Foley kidney pills, at St. Louis, Mo., alleging that the article had been shipped by Foley & Co., Chicago, Ill., on or about September 25, 1923, and transported from the State of Illinois into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, methylene blue, hexamethylene tetramine, and plant products, including resin and a volatile oil such as juniper or turpentine oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effects, (bottle, carton, and circular) "Kidney Pills For Irritation [circular, 'Irritations'] of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * *. In addition to taking Foley Kidney Pills, we offer a few simple, but practicable [practical] suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * *. 2nd—The bowels must be kept active * * *. 3rd—The diet is of great importance. * * * Satisfaction Guaranteed," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On January 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12069. Adulteration and misbranding of apples. U. S. v. 86 Barrels of Apples. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18195. I. S. No. 10545. S. No. E–4645.)

On January 4, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 86 barrels of apples, at Portland, Me., alleging that the article had been shipped by Almeder, Eames & Co., from Boston, Mass., on or about October 1, 1923, and transported from the State of Massachusetts into the State of Maine, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Massachusetts Standard Fancy Grade Min Size 2¾ Inches * * * Packed By Almeder, Eames & Co. Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that apples of lower grade than that designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing in the labeling, to wit, "Massachusetts Standard Fancy Grade Min Size 2¾ Inches * * * McIntosh Reds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12070. Misbranding of oats. U. S. v. 154 Sacks of Oats. Tried to the court on an agreed stipulation of facts. Judgment of condemnation and forfeiture. Product released under bond. (F. & D. No. 15771. I. S. No. 8528-t. S. No. E-3224.)

On March 16, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, praying the seizure and condemnation of 154 sacks of oats, remaining in the original unbroken packages at Lynchburg, Va., alleging that the article had been shipped by S. Zorn & Co., Louisville, Ky., on or about February 15, 1922, and transported from the State of Kentucky into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel as amended for the reason that screenings, wild oats, weed seeds, chaff, and dust had been mixed and packed with the said article so as to reduce and injuriously affect its quality and strength, for the further reason that wild oats, screenings, weed seeds, chaff, and dust were mixed therewith in such manner that inferiority was concealed, and for the further reason that wild oats, screenings, weed seeds, chaff, and dust had been substituted in part for the said article.

Misbranding was alleged in the libel as amended, for the reason that the article was in imitation of and was offered for sale under the distinctive name of another article, namely, oats, whereas, in fact and in truth, it consisted wholly or in part of other articles, namely, wild oats, screenings, weed seeds, chaff, and dust.

It was stipulated between the Government and the claimant to the property, S. Zorn & Co., Louisville, Ky., as follows:

1. That the questions presented for decision by the court under the amended information were (a) whether the article was adulterated in that a substance was substituted in part for the article, and (b) whether it was misbranded in that it was sold under the distinctive name of another article.

2. That the allegations of the amended information should be wholly disregarded, except in so far as they present the questions set out in 1 above.

On December 14, 1923, S. Zorn & Co. having appeared as claimant for the property, the case came on before the court for final disposition on the following agreed stipulation of facts:

"The parties in the above-entitled cause stipulate that the following facts are true and agree that this case shall be heard and determined thereon.

"1. The 154 sacks of oats seized herein were sold on the 13th day of February, 1922, by S. Zorn & Co., of Louisville, Ky., and were shipped and transported in interstate commerce by the Chesapeake & Ohio Railroad Co., from Louisville, Ky., to Owen & Barker, at Lynchburg, Va., in the Western District of Virginia.

"2. The oats were seized within the Western District of Virginia, at Lynchburg, Va., and S. Zorn & Co. have appeared herein as claimants thereto and this action is properly pending in their name.

"3. The oats were offered for sale and sold as Sample Star oats, were ordered as Sample Star oats by the purchaser, and were invoiced by the claimant as '300 New Sax Sample Star Oats.'

"4. These oats were sold under a grade of the official grain standards of the United States, to wit, sample grade.

"5. The word 'Star' indicates that the oats in question were of a certain type; this type is within the grade of the official grain standards of the United States, designated as sample grade.

"6. The oats were inspected by a licensed Government inspector at point of shipment and certified and graded by him as sample grade, and were sample grade.

"7. The United States Grain Standards Act (39 U. S. Stat. 442, 482) was passed on August 11, 1916, and pursuant to authority vested in him thereunder the Secretary of Agriculture promulgated and established official grain standards of the United States for oats to become effective June 16, 1919.

"8. The official grain standards of the United States for oats, now in full force and effect, are contained in Service and Regulatory Announcements No. 46 of the Bureau of Markets of the United States Department of Agriculture, which also contains the following:

"'For the purposes of the official grain standards of the United States for oats:

"'SECTION 1. *Oats.*—Oats shall be any grain which consists of cultivated oats and not more than twenty-five per centum of foreign material, other grains, and wild oats, either singly or in any combination.'

"'SEC. 3. *Percentages.*—Percentages, except in the case of moisture, shall be percentages ascertained by weight.'

"'SEC. 6. *Foreign material.*—Foreign material shall be all matter other than grains and pieces of grains of cultivated oats, except other grains and wild oats, and shall include oat clippings.

"'SEC. 7. *Other grains.*—Other grains shall include wheat, corn, rye, barley, emmer, spelt, einkorn, grain sorghums, rice, cultivated buckwheat, and flaxseed, only.'

"'Sample Grade shall be oats which do not come within the requirements of any of the grades from No. 1 to No. 4, inclusive, or which have any commercially objectionable foreign odor, or are sour, heating, hot, infested with live weevils or other insects injurious to stored grain, or are otherwise of distinctly low quality.

"'SEC. 14. *Food and Drugs Act.*—Nothing herein shall be construed as authorizing the adulteration of oats by the addition of water, by the admixture of clippings or hulls, decomposed salvage oats, other grains, or any other foreign material, or otherwise, in violation of the Food and Drugs Act of June 30, 1906.'

"9. The United States Grain Standards Act and the Federal Food and Drugs Act (June 30, 1906, 34 Stat. 768) are both under the jurisdiction of and administered under the direction of the United States Department of Agriculture. The Grain Standards Act is administered by the Bureau of Markets of this department and the Food and Drugs Act is administered by the Bureau of Chemistry of the same department.

"10. It is agreed that the article in question contains 77 per cent of cultivated oats and 23 per cent of material other than cultivated oats. This 23 per cent consists of wild oats, other grains, and foreign material, the foreign material consisting of weed seeds, chaff, and dust. A certain percentage of this 23 per cent was added by claimant, the material added being wild oats. It is further agreed that there were present in the wild oats so added a certain percentage of other grains and foreign material consisting of weed seeds, chaff, and dust, the quantity of said other grains and foreign material being no greater than found in the average commercial shipment of wild oats.

"Generally, oats contain some foreign material as they come naturally from the field and in the case of sample grade under the Grain Standards Act this amount may be as large as 25 per cent. The proportion of foreign material in the wild oats which was added by the claimant in this case was not greater than the proportion of foreign material in the cultivated oats with which they were mixed and the proportion of foreign material, viz, weed seeds, chaff, and dust, was not greater in the mixture than the proportion thereof in either of the ingredients.

"11. It is agreed that based upon the pleadings in this case and the foregoing stipulation of fact, the following questions of law are submitted to the court for determination: Does the shipment in interstate commerce as sample grade oats of an article prepared by the claimant as set forth in No. 10 hereof constitute a violation of the Federal Food and Drugs Act, when such article has been previously graded as sample grade oats by a duly authorized inspector of the Bureau of Markets of the United States Department of Agriculture and sold as sample grade oats, a grade of the official grain standards for oats promulgated by the Secretary of Agriculture under the Grain Standards Act?"

After argument by counsel the court rendered an opinion sustaining the misbranding charge, without passing on the adulteration charge, as will more fully and at large appear from the following opinion of the court (McDowell, *J*):

"On October 20th, 1922, I made an order condemning the so-called oats here in question, and set forth the reason therefor in a published opinion. (See U. S. *v.* 154 Sacks of Oats, 283 Fed. 985.) That order has, by joint request

of counsel, not been executed; and since it was made an amended information has been filed, and also an additional stipulation, executed July 20th, 1923, reading as follows:

"'It is hereby stipulated between the parties hereto as follows:

"'1. That the questions presented for decision by the court under the amended information herein filed are (a) whether the article is adulterated in that a substance was substituted in part for the article, and (b) misbranded in that the article was sold under the distinctive name of another article.

"'2. That the allegations of the amended information filed herein shall be wholly disregarded, except in so far as they present the questions set out in 1 above.'

"The result of filing the amended information and this new stipulation is that the Government abandons any possible grounds for forfeiture except the two set out in the above-quoted stipulation.

"It will be convenient to here set out a part of the first stipulation of facts: '(10) It is agreed that the article in question contains 77 per cent of cultivated oats and 23 per cent of material other than cultivated oats. This 23 per cent consists of wild oats, other grains, and foreign material, the foreign material consisting of weed seeds, chaff, and dust. A certain percentage of this 23 per cent was added by the claimants, the material added being wild oats. It is further agreed that there were present in the wild oats so added a certain percentage of other grains and foreign material, consisting of weed seeds, chaff, and dust, the quantity of said other grains and foreign material being no greater than that found in the average commercial shipment of wild oats.'

"As so doing may save labor, I shall consider first the charge of misbranding mentioned as (b) in the new stipulation.

"In the above-mentioned opinion I assumed that the dry seeds of wild oats can not be classed as a food within the meaning of the Food and Drugs Act (34 Stat. 768). I doubt if there is any better source of common knowledge than well-known reference books such as are mentioned below.

"In Vol. 19, Encyclopedia Britannica (11th ed.), p. 938, it is said that the grain of the wild oat is 'small and worthless.'

"In 17, New National Encyclopedia (1922), p. 327, it is said: 'There are a number of species of but little importance, such as wild oats (*Avena fatua*), which is generally considered as a weed, but has become an abundant and valuable wild pasture grass in California * * *.'

"In 11, Encyclopedia Americana, under the topic 'Oats,' it is said: '* * * wild oats (*A. fatua*) valued in some places, for example, California, for pasturage, but generally regarded as a noxious weed.'

"In 9, Nelson's Encyclopedia, p. 119, is the following: 'Wild oats (*A. fatua*) are usually classed as weeds, but are used as a pasture grass in certain localities, especially California.'

"In 8, Universal Cyclopedia (1905), p. 542, it is said: 'The cultivated oat (*Avena sativa*) is an annual * * *. It is supposed to have developed from *Avena fatua* found growing wild in Europe, where it is considered a weed. It is also wild in California, where it is sometimes cut when green and cured for hay.'

"In Century Dictionary, [under] 'Oats,' it is said: 'The wild oat of Europe (*A. fatua*) is a weed of cultivation in many places; in California, where it abounds, it is extensively utilized as hay.'

"While the foregoing authorities show that in California volunteer crops of the wild oat plant, while green, are pastured or cut as hay, they also show that the dried wild oat seed can not be considered as a food. And it may be added that the foregoing quotations further show it is a matter of common knowledge that generally the wild oat plant is regarded as a weed, in the sense that it is highly undesirable vegetation.

"It is true that in the first stipulation there is mention of commercial shipments of wild oats. But it does not follow that the seed of the wild oat is ever shipped in commerce except to grain dealers for use as a food adulterant, or by grain dealers after admixture with cultivated oats, as in the case at bar.

"While I remain of opinion that it is common knowledge that the seed of the wild oat is not a food, still in discussing the clause of the food act now in question, this fact is of no importance. If it be assumed that the wild oat seed is a food, yet the mixture here sought to be condemned may have been misbranded, because offered for sale under the distinctive name of another article.

"How the wild oats, weed seed, and chaff (which the claimants here mixed with the cultivated oats) were obtained by the claimants does not appear. Under the regulations (Service and Regulatory Announcements No. 46) authorized by the Grain Standards Act (39 U. S. Stat. 446, 482) a consignment

of cultivated oats containing more than 25 per cent of wild oats or other foreign matter can not legally be graded as oats at all. If such a consignment (having been sold for what it is) be received by a grain dealer, I see no reason why he may not legally winnow out enough of the wild oats and other weed seeds to bring the remainder of the consignment to a sufficient state of purity to be sold as oats of some legal grade. And in time great quantities of such winnowings may be accumulated by grain dealers.

"Again, it could be, and I assume it is, a fact that in growing wheat in the West and Northwest a considerable area of some huge wheat field may be so thick with volunteer wild oats that it would be disastrous to the farmer to allow the gatherings from such part of the field to be mixed with the purer wheat from the remainder of the field. To avoid such mixing, the farmer may, and I assume does, keep the crop on the affected part of the field separate. It may be thrashed separately, and the grain (wild oats and a modicum of wheat) thus obtained may be sold for what it is.

"But, however obtained by the grain dealer, the question here is as to the right to make a mixture of the winnowings, or of the wheat field offal, with cultivated oats and to offer such mixture for sale under the name of sample grade oats.

"As has been shown, the wild oat is a highly undesirable plant in much the greater part of the United States. Grain, containing wild oats and weed seed, although sold to be used as a food for domestic animals, may be used as seed for voluntary planting. Grain, containing wild oats and weed seed, fed to domestic animals may, and sometimes is, along with the manure, involuntarily planted, and there is thus a propagation of undesirable and harmful vegetation.

"The mixture of weed seed and wild oats with cultivated oats, as taken from the field, may conveniently and properly be spoken of as a natural mixture. It is natural in the sense that it may be practically unavoidable. A mixture made by purposely and voluntarily mingling winnowings from one lot of oats with another lot of oats, or by voluntarily mingling what I have spoken of as wheat field offal with cultivated oats, may properly be spoken of as an artificial mixture.

"Planting a bushel of oats containing naturally 25 per cent of impurities, and planting another bushel of oats containing artificially 25 per cent of the same kind of impurities, may produce exactly the same evil results. But if the artificial and intentional addition of impurities to oats be permitted and practiced, the number of bushels of impure oats in existence will indubitably be unnecessarily increased. And in equal degree the probability of a propagation of undesirable vegetation will be increased. To unnecessarily increase the production of a weed or a pest, such as wild oats, is unwise and hurtful and could have been within the intent of the statute. And when a dealer purposely makes such an artificial mixture and offers it for sale as sample grade oats, he is using a name, properly applied to a natural product, as the designation of an artificial product.

"As, of course, the intent of the food act is the same now that it was when that statute was enacted. Whether or not offering for sale an artificial mixture of cultivated oats and wild oats as sample grade oats, after the food act and before the Grain Standards Act had been enacted, would have been a violation of the clause of the food act now in question may be doubtful; but I assume that it would not have been. However, paradoxical though it may be, so doing can be a violation of that clause now. It seems too plain to require discussion that there is nothing in the Grain Standards Act and nothing in the regulations thereunder which contemplate or authorize shipping a purposed, artificial mixture of cultivated oats and wild oats as sample grade oats, or as oats of any grade. The unbelievable folly involved in authorizing a vast and wholly unnecessary increase in the diffusion of the seed of such a pest as the wild oat is in much the greater part of the United States, is I think a sufficient reason for saying that the regulations refer to and contemplate only what I have called a natural mixture of wild oats and cultivated oats. It follows that the designation 'sample grade oats' is authorized as applied to natural mixtures of certain proportions of wild and cultivated oats, and is not authorized as a designation of an artificial mixture of the same proportions of wild and cultivated oats. And offering for sale such artificial mixtures under a name which is authorized as the designation only of a natural mixture violates the clause in question of the food act for two reasons.

"(1). The use of the name 'sample grade' will almost inevitably deceive some purchaser, either immediate or remote, as to the manner of production of

the mixture. And I conceive that many persons, who would buy the naturally produced mixture which is properly designated as sample grade oats, would refuse to knowingly buy an artificial mixture of the same proportions of wild and cultivated oats. Either a desire to discourage a vicious practice, or a public spirited desire to avoid the danger of unnecessarily spreading an agricultural pest, or both, would, I am satisfied, prevent many persons from buying the artificial mixture unless deceived into the belief that they were buying the practically unavoidable natural mixture.

"I am unable to concede that the case of 95 Barrels, etc. *v.* U. S. (289 Fed. 181) militates against the foregoing reasoning. The essence of that ruling is that the act of the manufacturer there in question did not mislead the public to its harm or induce the purchase of a different article from that intended to be purchased. (See 289 Fed. 186.) The act of the claimants in the case at bar is certainly calculated to do both.

"(2). Further, I am unable to hold that the only purpose of the particular clause of the food act now in question is to prevent deception: 'That for the purposes of this act an article shall also be deemed to be misbranded * * * In the case of food: First. If it be an imitation of or offered for sale under the distinctive name of another article. Second. If it be labeled or branded so as to deceive or mislead the purchaser * * *.'

"The wording of this second paragraph does not comport with a theory that the sole and only intent of the first paragraph was to prevent deception of the purchaser. Hence, as the act done by the claimants, even if not deceptive, is one that is impolitic and harmful to the public, and could have been intended to be forbidden, it seems sufficient to say, 'Thus is the law written.' 'Sample grade oats' is the distinctive name of a natural mixture of cultivated oats, and certain impurities. Offering for sale (to the public detriment) a purposed, artificial mixture of cultivated oats and the same impurities is, I think, offering an article for sale under the distinctive name of another article.

"The first stipulation shows that the mixture in question was shipped under the name of 'sample grade star oats.' It is seemingly contended that the addition of the word 'star' to the designation of the mixture alters the result. But there is nothing in the record to indicate that that word conveyed to the purchaser knowledge that the mixture was an artificial one. The word has to the uninitiated no such significance, and if it did have some agreed meaning to the purchaser, this fact was peculiarly within the knowledge of the claimants, and should have been proved by them.

"In the first stipulation is the following: 'The oats were inspected by a licensed Government inspector at the point of shipment and certified and graded by him as sample grade, and were sample grade.'

"Counsel for both parties have written me that the last four words of the foregoing stipulation were not intended as an agreement that the designation 'sample grade oats' was intended by the regulations to include an artificial and purposed mixture of cultivated and wild oats.

"However, the claimants do insist that the fact that an inspector, licensed by the Government, certified the grain in question as sample grade oats, entitled them to a judgment in their favor. I can not agree to this. It does not appear that the inspector knew that the grain was an artificial mixture. But in any event, I do not see why the principle that the Government is not estopped by the defaults of its agents does not make discussion of this point unnecessary. (See Utah Power, etc., Co. *v.* U. S., 243 U. S. 389, 408–9.)

"From what has been said it seems to me to follow that the claimants misbranded an article of food, consisting of an artificial mixture of a food (cultivated oats) and another food, or a food adulterant (wild oat seed), in that they offered for sale the said article under the distinctive name of another article, to wit, a natural mixture of cultivated and wild oats.

"It further follows that it is unnecessary to form an opinion in respect to the charge of adulteration by substitution.

"An order reciting the fact that by agreement the former order has not been executed and condemning the oats under seizure may be now taken." (Dec. 14, 1923.)

On the same date, December 14, 1923, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12071. Adulteration and misbranding of extract of vanilla. U. S. v. Anthony W. Schwane (A. W. Schwane & Co.). Plea of guilty. Fine, $50. (F. & D. No. 17800. I. S. No. 9627–v.)

On January 22, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Anthony W. Schwane, trading as A. W. Schwane & Co., Chicago, Ill., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 25, 1922, from the State of Illinois into the State of Iowa, of a quantity of extract of vanilla which was adulterated and misbranded. The article was labeled in part: "Azie The Superb Extract Extract Of Pure Vanilla * * * A. W. Schwane & Co. Chicago, U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution of vanillin, artificially colored with caramel.

Adulteration of the article was alleged in the information for the reason that an imitation product, artificially colored, had been substituted for extract of pure vanilla, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to extract of pure vanilla, to wit, an imitation product, which was artificially colored so as to simulate the appearance of extract of pure vanilla and in a manner whereby its inferiority to said extract of pure vanilla was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Extract Of Pure Vanilla," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article was extract of pure vanilla, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was extract of pure vanilla, whereas, in truth and in fact, it was not but was an imitation product, artificially colored. Misbranding was alleged for the further reason that the article was an artificially colored product, prepared in imitation of extract of pure vanilla, and was offered for sale and sold under the distinctive name of another article, to wit, extract of pure vanilla.

On January 30, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12072. Adulteration of canned salmon. U. S. v. 600 Cases of Canned Salmon. Product ordered released under bond to be sorted. Good portion released to claimant and bad portion destroyed. (F. & D. No. 18116. I. S. No. 8406–v. S. No. W–1451.)

On November 24, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of canned salmon, at Astoria, Oreg., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., in part on or about November 16 and in part on or about November 17, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Columbia River Chum * * * Salmon Packed By Brookfield Packing Co. Brookfield, Washington Woody Island Brand * * * Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and for the further reason that filthy, decomposed, and putrid salmon had been substituted for normal salmon of good commercial quality.

On December 18, 1923, the product having theretofore been released to the claimant, J. G. Megler & Co., under bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be sorted and the bad portion destroyed, and it having appeared that the product had been sorted under the supervision of this department and the bad portion destroyed, it was ordered by the court that the good portion be delivered to the said claimant, and that upon payment of the costs of the proceedings the bond be exonerated.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12073. Adulteration of canned salmon. U. S. v. 135 Cases of Canned Salmon. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 17851. I. S. No. 20678–v. S. No. W–1424.)

On October 8, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cases of canned salmon, at Seattle, Wash., alleging that the article had been shipped by the Northwestern Fisheries Co., from Nushagak, Alaska, September 4, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1923, the Booth Fisheries Co., Inc., claimant, having by stipulation agreed to destroy the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by dumping it into Puget Sound, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12074. Adulteration and misbranding of cottonseed meal. U. S. v. 212 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18143. I. S. No. 2798–v. S. No. E–4633.)

On December 7, 1923, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 212 sacks of cottonseed meal, at Newark, Del., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., on or about November 12, 1923, and transported from the State of North Carolina into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal * * * Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein * * * 41.00% Equivalent to Ammonia 8.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in ammonia (protein) had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged in substance for the reason that the labeling contained the statement, to wit, "Perfection Cotton Seed Meal * * * Guarantee Protein * * * 41.00% Equivalent [to] Ammonia 8.00%," which statement was false and misleading in that the said article was cottonseed meal with which had been mixed and packed a substance low in ammonia. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Perfection Cotton Seed Meal."

On January 25, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and the claimant having paid the costs of the proceedings and executed a bond in the sum of $1,000, in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12075. Misbranding of Foster's backache kidney pills. U. S. v. 56 Dozen Bottles, et al., of Foster's Backache Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18025, 18106, 18107, 18108, 18109, 18110, 18111. S. Nos. E–4587, E–4596, E–4597, E–4598, E–4599, E–4600, E–4601.)

On or about November 19, 22, and 23, 1923, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 360 dozen bottles of Foster's backache kidney pills, in various lots at Mayaguez, San Juan, and Ponce, P. R., respectively, alleging that the greater portion of the said article had been shipped by various consignors, namely, the Porto Rico Drug Co. and Charles Huisking, respectively, from New York, N. Y., and the Foster-McClellan Co., from Buffalo, N. Y., between the dates of March 30 and October 17, 1923, and that all of the said article was being offered for sale and sold in the Territory of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of potassium nitrate, rosin, fenugreek,

uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, (bottle, Spanish) "Pills * * * For The Kidneys * * * act directly over the * * * urinary tract," (wrapper, English and Spanish) "Backache Kidney Pills [Spanish, 'Pills For The Kidneys'] * * * for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder such as Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding Urine, and Urinary Troubles," (circular, English and Spanish) "Backache Kidney Pills [Spanish, 'Pills For the Kidneys'] * * * for Kidney Complaints and diseases arising from disorders of the Kidneys and Bladder * * * if relief is not noticed, increase the dose * * *. When relief is noticed the dose may be reduced * * * a good medicine," and the design or device, appearing on the bottle label, wrapper, and circular, of a cut of a figure about waist length, rear view, slightly stooped, with head turned toward right, hands pressing on flanks, and inscription on arms, shoulders, and back, "Foster's Backache * * * Pills," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 19, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12076. Adulteration and misbranding of chocolate bars and chocolate cigars. U. S. v. National Cocoa & Chocolate Co., a Corporation, and Leon Henry. Plea of guilty. Fine, $25. (F. & D. No. 16561. I. S. Nos. 8513–t, 15450–t, 15526–t, 15527–t.)

On or about April 16, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Cocoa & Chocolate Co., a corporation, Hoboken, N. J., and Leon Henry, Hoboken, N. J., treasurer of the said corporation, alleging shipment by said defendants, in violation of the Food and Drugs Act, in various consignments, namely, on or about September 27, October 20, and November 18, 1921, respectively, from the State of New Jersey into the State of New York, and on or about November 1, 1921, from the State of New Jersey into the State of Maryland, of quantities of chocolate bars and chocolate cigars which were adulterated and misbranded. The articles were labeled in part, respectively: "Hector Bar National Cocoa Chocolate Co. 803 Clinton Street, Hoboken, N. J.;" "Chocolate Cigars National Cocoa Chocolate Co. 803 Clinton Street, Hoboken, N. J."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that foreign fat was present, that cocoa fat had been abstracted from the said articles, and that they contained excessive cocoa shells.

Adulteration of the articles was alleged in the information for the reason that certain substances, to wit, foreign fat and excessive shells (or excessive cocoa shells), had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for the said articles. Adulteration was alleged for the further reason that a valuable constituent of the articles, to wit, cocoa fat, had been in part abstracted.

Misbranding of the chocolate bars was alleged for the reason that the article was a mixture composed in part of foreign fat and excessive shells, prepared in imitation of, to wit, chocolates, and was offered for sale and sold under the distinctive name of another article, to wit, chocolates.

Misbranding of the chocolate cigars was alleged for the reason that the statement, to wit, "Chocolate Cigars," borne on the boxes containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article consisted wholly of chocolate, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of chocolate, whereas, in truth and in fact, it did not so consist but did consist in part of foreign fat and excessive cocoa shells. Misbranding was alleged for the further reason that the article was a mixture composed in part of foreign fat and excessive cocoa shells, prepared in imita-

tion of chocolate cigars, and was offered for sale and sold under the distinctive name of another article, to wit, chocolate cigars.

On May 2, 1923, a plea of guilty was entered to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12077. Adulteration and misbranding of lemon pie filling. U. S. v. 25 Cases of Good Luck Lemon Pie Filling. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 16261. I. S. No. 8147–t. S. No. E–3861.)

On May 3, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of Good Luck lemon pie filling, at Easton, Pa., consigned by the Good Luck Food Co., Inc., Rochester, N. Y., alleging that the article had been shipped from Rochester, N. Y., on or about April 4, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Good Luck Food Co., Inc. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, imitation lemon pie filling, had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the packages enclosing the article contained labels bearing the following statements, designs, and devices regarding the article and the ingredients and substances contained, which were false and misleading: "Good Luck * * * Lemon Pie Filling A Mixture For Pie, Pudding And Cake Filling * * * Lemon Pie Filling." Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 26, 1924, the Good Luck Food Co., Inc., Rochester, N. Y., having withdrawn its answer denying the averments of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12078. Adulteration of mineral water. U. S. v. 12 Demijohns of Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17865. I. S. No. 775–v. S. No. E–4504.)

On or about October 17, 1923, the United States attorney for the Eastern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 demijohns of mineral water, at Savannah, Ga., alleging that the article had been shipped by the Shivar Springs, Inc., from Shelton, S. C., October 8, 1923, and transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "4 7/8 Gallons Shivar Spring Water * * * N. F. Shivar * * * From the Shivar Spring Shelton, S. C."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12079. Misbranding of canned tomatoes. U. S. v. 578 Cases of Tomatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18080, 18081. I. S. No. 798–v. S. No. E–4594.)

On December 1, 1923, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 578 cases of tomatoes, at Charleston, S. C., alleging that the article had been shipped by Arrington Bros., from Montvale, Va., September 29, 1923, and transported from the State of Virginia into the State

of South Carolina, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Smyrna Special Brand * * * Hand Packed Tomatoes Contents 2 Pounds * * * Packed By Arrington Bros Montvale. Va."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the said cans contained less than 2 pounds of the said article.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the labels, "Contents 2 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 21, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12080. Adulteration of canned spinach. U. S. v. 1,200 Cases of Spinach. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16753. I. S. No. 2027–v. S. No. E–4129.)

On August 16, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 cases of spinach, at Pittsburgh, Pa., alleging that the article had been shipped by the San Francisco Packing Co., San Francisco, Calif., on or about May 1, 1922, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On July 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that all costs be paid by the San Francisco Packing Co.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12081. Adulteration of apricots. U. S. v. 132 Sacks of Apricots. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18014. I. S. No. 15788–v. S. No. E–4575.)

On November 13, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 132 sacks of apricots, at New York, N. Y., alleging that the article had been shipped by the California Prune & Apricot Growers, Inc., San Jose, Calif., on or about May 16, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 21, 1924, upon consent of the claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant, Alexander Palestine & Co., Inc., pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12082. Adulteration of shell eggs. U. S. v. Mary H. Wright and Tobe Wright. Dismissed as to Mary H. Wright. Plea of guilty by Tobe Wright. Fine, $10 and costs. (F. & D. No. 17927. I. S. Nos. 6891–v, 6892–v.)

On January 30, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Mary H. Wright and Tobe Wright, trading as the Elmore Wright Estate, Winnsboro, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, in two consignments, namely on or about July 18 and 19, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities of eggs

which were adulterated. The article was labeled in part: "From Elmore Wright Estate Winnsboro, Texas."

Examination by the Bureau of Chemistry of this department of 720 eggs from each of the consignments, showed that 153 and 199, respectively, or 21.25 and 27.63 per cent, respectively, of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, blood rings, and embryos; the consignment of July 19, 1923, contained a number of developed chicks.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On February 7, 1924, the case against Mary H. Wright having been dismissed, a plea of guilty to the information was entered by Tobe Wright, and the court imposed a fine of $10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12083. Adulteration of shell eggs. U. S. v. Farmers Union Cooperative Exchange, a Corporation. Plea of guilty. Fine, $5. (F. & D. No. 17604. I. S. No. 3851–v.)

On August 23, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Cooperative Exchange, a corporation, Hartington, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 5, 1922, from the State of Nebraska into the State of Iowa, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Farmers Union Coop. Exchange Hartington, Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 121, or 13.44 per cent of those examined, were inedible eggs, consisting of blood rings, black rots, stuck yokes, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On February 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12084. Misbranding and alleged adulteration of molasses. U. S. v. 45 Barrels, et al., of Molasses. Decrees entered providing for release of product under bond. (F. & D. Nos. 18158, 18234. I. S. Nos. 937–v, 957–v. S. Nos. E–4641, E–4676.)

On December 12, 1923, and January 7, 1924, respectively, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 110 barrels of molasses, at Durham, N. C., consigned by the Atlantic Syrup Refining Co., in two consignments, namely, from Port Richmond and Philadelphia, Pa., respectively, alleging that the article had been shipped in part from Port Richmond, Pa., on or about October 20, 1923, and in part from Philadelphia, Pa., on or about November 11, 1923, and transported from the State of Pennsylvania into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding of the article was alleged in substance for the reason that the labels of the barrels containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, to wit, "Atlantic's Fancy Atlantic Syrup Refining Co. Phila. Pa. 56 Gals.," which were false and misleading, in that the said article contained approximately 45 per cent of glucose. Misbranding was alleged for the further reason that the said article was an imitation of another article, to wit, molasses.

On February 22, 1924, the Atlantic Syrup Refining Co., Philadelphia, Pa., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of the court were entered finding the product to be mis-

branded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12085. Adulteration of canned sardines. U. S. v. 20 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18069, 18070, 18071, 18073. I. S. No. 15024–v. S. No. E–4592.)

On or about November 23, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 115 cases of sardines, at Norfolk, Va., alleging that the article had been shipped by the M. C. Holmes Canning Co., from Eastport, Me., on or about September 26, 1923, and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sunrise * * * American Sardines in Cotton Seed Oil Packed At Eastport, Washn. Co. Me. By M. C. Holmes Canning Co."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On February 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12086. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17987. I. S. No. 8438–v. S. No. W–1436.)

On or about November 8, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Canadian Bank of Commerce, from Seattle, Wash., on or about October 11, 1923, and transported from the State of Washington into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska One Pound Net."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 2, 1924, the Beauclaire Packing Co., Port Beauclerc, Alaska, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Makins Produce Co., San Francisco, Calif., upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12087. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17396. I. S. No. 11284–v. S. No. W–1361.)

On March 27, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of walnut meats, at Denver, Colo., consigned by the Joe Lowe Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about February 8, 1923, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Joe Lowe Co. * * * Dark Amber 50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12088. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17256. I. S. Nos. 8163–v, 8164–v. S. No. W–1308.)

On February 10, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of walnut meats, at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about January 11, 1923, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Sanitary Nut shelling Co. * * * Dark Amber" (or "Standard Amber") "50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12089. Misbranding of Glicofostina. U. S. v. 123 Bottles, et al., of Glicofostina. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17966, 17967, 17968, 17969, 17970, 17971, 17972, 18023. S. Nos. E–4543, E–4544, E–4545, E–4546, E–4547, E–4548, E–4549, E–4586.)

On November 6 and 16, 1923, respectively, the United States attorney for the District of Porto Rico, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,050 bottles of Glicofostina, in part at San Juan and in part at Mayaguez, P. R., alleging that the article had been shipped by the Henry S. Wampole Co., Baltimore, Md., the greater portion thereof between the dates of May 25 and October 26, 1923, and that the said article was being sold and offered for sale in the Territory of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of strychnine sulphate, sodium, potassium, and calcium glycerophosphates, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative or therapeutic effects of the said article, (translation of Spanish) (bottle) "For The Nerves. * * * Indicated in Neurasthenia, Nervous Exhaustion, Nervous Debility, Fatigue, General Decay, Insomnia, Hysteria, Excitability and in all depressive conditions of the nervous system," (circular) "Nerve Tonic * * * Any excessive effort, either mental or corporal; a prolonged state of nervous tension; overwork; insufficient quantity of sleep or rest; poor or malnutrition; excess of indulgence and any kind of excess surely tends to exhaustion and malfunctioning of the nervous system which manifests itself by diverse symptoms among which we will mention: muscular debility, indicating fatigue of the nervous system; painful sensation after making any kind of exercise; headaches; neuralgia; poor digestion; sexual impotence; lack of activity; depression; irritability and excitement; anxiety or groundless fear; insomnia; loss of appetite, etc. Such a state requires the immediate administration of Nerve Tonics, that is to say * * * Glicofostina Of Henry S. Wampole * * * Nervous Debility, Nervous Weakness, Insomnia," were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 28, 1923, the Henry S. Wampole Co., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of $800, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12090. Adulteration and misbranding of apples. U. S. v. Rogerson Cold Storage Co., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17792. I. S. No. 2146–v.)

On October 17, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rogerson Cold Storage Co., a corporation, Le Roy, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 3, 1923, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "New York Standard 'A' Grade Packed By S. C. Wells Le Roy, N. Y. Min. Size 3 In."

Examination by the Bureau of Chemistry of this department of 4 barrels from the consignment showed that the said barrels contained many apples that were less than 3 inches in diameter and many apples that were injured by fungus or by early tree frost; the barrels also contained some apples that were badly rusted.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade than New York Standard A Grade and of less than three inches in diameter each had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for New York Standard A Grade apples, minimum size three inches, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that it represented that the said article consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of New York Standard A Grade apples of not less than 3 inches in diameter each, whereas, in truth and in fact, said article did not so consist but did consist in part of apples of a lower grade than New York Standard A Grade apples and of less than 3 inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "New York Standard 'A' Grade * * * Min. Size 3 In."

On November 15, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12091. Adulteration of crab meat. U. S. v. Edgar P. Hitchings and Vernon D. Hitchings (E. A. Hitchings & Co.). Pleas of guilty. Fine, $25. (F. & D. No. 16563. I. S. Nos. 8840–t, 8841–t.)

On May 8, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edgar P. Hitchings and Vernon D. Hitchings, copartners, trading as E. A. Hitchings & Co., Norfolk, Va., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about May 17, 1922, from the State of Virginia into the State of Maryland, of quantities of crab meat which was adulterated. The article was labeled in part: "From E. A. Hitchings & Co. * * * Norfolk, Va."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was putrid and contained decomposed crab meat.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 8, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12092. Misbranding of oranges. U. S. v. 100 Cases of Oranges. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 661–c. I. S. No. 1805–t. S. No. C–3497.)

On or about March 27, 1922, the United States attorney for the District of Indiana, acting upon a report by the State Food and Drug Commissioner of Indiana, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oranges, at

Indianapolis, Ind., alleging that the article had been received from the consignors, the American Fruit Growers, Inc., East Highlands, Calif., March 21, 1922, and had been transported from the State of California into the State of Indiana, and charging adulteration or misbranding in violation of the Food and Drugs Act. The article was labeled in part: "A 1 * * * American Fruit Distributors Main Office Los Angeles, California."

It was alleged in substance in the libel that the said article had been badly tree-frosted so as to reduce, lower, and injuriously affect its quality.

It was further alleged in substance in the libel that the article was adulterated or misbranded in that the said cases did not contain "A 1 Brand Naval Oranges," as branded on each of the cases, but did contain oranges which had been badly tree-frosted.

On May 12, 1922, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be misbranded and ordering that it be sold by the United States marshal in compliance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12093. Alleged adulteration and misbranding of olive oil. U. S. v. Joseph Crisafulli and Stefano Crisafulli (Crisafulli Bros.). Plea of not guilty. Tried to the court and a jury. Verdict of not guilty directed by the court. (F. & D. No. 16556. I. S. Nos. 5493–t, 5494–t, 5498–t, 5499–t, 15480–t.)

On October 4, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph Crisafulli and Stefano Crisafulli, copartners, trading as Crisafulli Bros., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about June 23, 24, and 25, 1921, respectively, from the State of New York into the State of Massachusetts, of quantities of olive oil which was alleged to have been misbranded, and on or about July 9, 1921, from the State of New York into the State of New Jersey, of a quantity of oil which was alleged to have been adulterated and misbranded. The olive oil was labeled in part: "Contains One Full Gallon * * * Pure Olive Oil * * * Crisafulli Brand * * * Crisafulli Bros." The product involved in the remaining consignment was labeled in part: "Finest Quality Table Oil La Migliore Brand Insuperabile" (picture of olive tree) "Corn Salad Oil Compound With Extra Fine Olive Oil" (the words "Corn Salad Oil Compound" were very small and almost indiscernible, while the words "Olive Oil" were in large and distinct type) "* * * Net Contents One Gallon."

Examination by the Bureau of Chemistry of this department of certain cans taken from each of the consignments of the products showed that the said cans contained less than 1 gallon of the respective products, the shortages disclosed ranging from 2.30 to 4.85 per cent. Analysis of the La Migliore brand table oil showed that it consisted chiefly of corn oil and peanut oil and contained little, if any, olive oil.

Adulteration of the La Migliore brand table oil was alleged in the information for the reason that oils other than olive oil, including peanut oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted practically wholly for olive oil, which the said article purported to be. Adulteration was alleged for the further reason that oils other than olive oil, including peanut oil, had been mixed with the article so as to simulate olive oil and in a manner whereby its damage and inferiority to olive oil were concealed.

Misbranding of the La Migliore brand table oil was alleged in substance for the reason that the statements in large prominent type, to wit, "Finest Quality Table Oil La Migliore Brand Insuperabile * * * Extra Fine Olive Oil," and the statement in smaller type, to wit, "Net Contents One Gallon," together with the pictorial representation of an olive tree and olive branch bearing olives, borne on each of the cans containing the article, regarding the said article, were false and misleading, in that they represented that the article was pure olive oil and that each of the said cans contained 1 gallon net thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil and that each of the said cans contained 1 gallon net thereof, whereas, in truth and in fact, it was not pure olive oil but was composed practically wholly of oils other than olive oil, including peanut oil, and contained an insignificant amount of, if any, olive oil, and each of the said cans did not contain 1 gallon net of the said article but did contain a less quantity.

Misbranding was alleged with respect to the Crisafulli brand olive oil for the reason that the statement, to wit, "Contains One Full Gallon," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 1 full gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 full gallon of the article, whereas, in truth and in fact, each of said cans did not contain 1 full gallon of the said article but did contain a less quantity.

Misbranding was alleged with respect to all consignments of the products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the stated quantity was incorrect and represented more than the actual contents of the packages.

On March 20, 1923, the case came on for trial before the court and a jury. After the submission of evidence, by direction of the court the jury returned a verdict of not guilty.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12094. Misbranding of flour. U. S. v. 600 Sacks, et al., of Flour. Decree ordering release of product under bond to be resacked. (F. & D. No. 18017. I. S. No. 6400–v. S. No. C–4174.)

On November 14, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 sacks, 48 pounds each, and 2,106 sacks, 24 pounds each, of flour, at El Dorado, Ark., alleging that the article had been shipped by the Slater Mill & Elevator Co., Slater, Mo., on or about October 20, 1923, and transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Slater Mill & Elevator Co. Cream Of Wheat Menu * * * Highest Patent Slater, Mo. Bleached 48 Lbs." (or "24 Lbs.") "When Packed."

Misbranding of the article was alleged in the libel for the reason that said sacks did not contain 24 pounds and 48 pounds, respectively, of the article but did contain a less number of pounds than declared on the sacks. Misbranding was alleged for the further reason that the quality [quantity] and contents was not plainly and conspicuously marked on the outside of the packages.

On November 30, 1923, the Ritchie Grocery Co., El Dorado, Ark., having appeared as claimant for the property, a decree of the court was entered finding the product misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $3,000, in conformity with section 10 of the act, conditioned in part that the product be resacked in accordance with law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12095. Adulteration and misbranding of canned oysters. U. S. v. 22 Cases of Oysters. Default decree entered ordering product disposed of according to law. (F. & D. No. 16674. I. S. Nos. 6502–v, 6503–v. S. No. C–3739.)

On or about August 2, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cases of oysters, at Pocahontas, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., on or about June 28, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. * * * Savannah, Ga." The remainder of the article was labeled in part: (Can) "American Ace Brand * * * Net Contents 5 Oz. Oyster Meat * * * Packed By Hilton Head Packing Co. Savannah."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements on the respective labels, to wit, "Contains 5 Oz. Oyster Meat" and "Net Contents 5 Oz. Oyster Meat," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 20, 1922, no claimant having appeared for the property, a decree of the court was entered ordering that the product be delivered to a representative of this department to be disposed of according to law.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12096. Adulteration of shelled peanuts. U. S. v. 100 Bags of Shelled Peanuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18076. I. S. No. 15792–v. S. No. E–4591.)

On November 22, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of shelled peanuts, at New York, N. Y., alleging that the article had been shipped by C. O. Bashaw Co., from China, via San Francisco, Calif., on or about April 10, 1923, and transported in interstate commerce into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On February 8, 1924, J. M. McNiece Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to separate the good peanuts from the bad, the bad portion to be destroyed or denatured and the good portion released to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12097. Adulteration and misbranding of apples. U. S. v. Myron Roberts. Plea of guilty. Fine, $25. (F. & D. No. 16946. I. S. No. 6041–t.)

On March 6, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Myron Roberts, Hilton, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 8, 1922, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: "New York Standard 'A' Grade Packed By M. Roberts Hilton, N. Y. Min. Size 2½ In."

Examination by the Bureau of Chemistry of this department of 4 barrels from the consignment showed that each of the said barrels contained many apples that were under the size declared on the label, many that were infested with insects, and some that were badly rusted. Three of the said barrels contained some apples that were wholly without color.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A Grade and of less than 2½ inches in diameter each had been substituted in part for New York Standard A Grade apples of 2½ inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard 'A' Grade * * * Min. Size 2½ In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that it represented that the said barrels contained only New York Standard A Grade apples of at least 2½ inches in diameter each, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A Grade apples of at least 2½ inches in diameter each, whereas, in truth and in fact, they did not but contained in part apples of a lower grade and quality than New York Standard A Grade apples and contained in part apples of less than 2½ inches in diameter each.

On November 13, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12098. Adulteration of peas. U. S. v. 445 Sacks of Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17630, 17631, 17632, 17633, 17634, 17635, 17636, 17637. I. S. No. 3450–v. S. No. E–4437.)

On July 11, 1923, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 445 sacks of peas, at Columbia, S. C., alleging that the article had been shipped by Baker & Co., Inc., from Empire, Calif., December 27, 1922, and transported from the State of California into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12099. Adulteration of canned chicken haddie and canned codfish flakes. U. S. v. 16 Cases of Chicken Haddie and 10 Cases of Codfish Flakes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18179. I. S. Nos. 7097–v, 17636–v. S. No. C–4231.)

On December 18, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of chicken haddie and 10 cases of codfish flakes, at Chicago, Ill., alleging that the articles had been shipped by H. L. Spencer Co., from Oskaloosa, Iowa, February 15, 1923, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Chicken * * * Haddies Registered * * * Lily Brand * * * Packed At Cansco, Nova Scotia. By Maritime Fish Corporation Limited * * * Canada;" "Maple Leaf Codfish * * * Flakes * * * Packed At Cansco, Nova Scotia By Maritime Fish Corporation Limited * * * Canada."

Adulteration of the articles was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On February 18, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12100. Adulteration of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree adjudging product subject to condemnation and forfeiture, and ordering its destruction. (F. & D. No. 14700. I. S. No. 3235–t. S. No. C–2951.)

On April 8, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color, at Decatur, Ill., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about March 18, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net * * * W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Contents Brown."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On February 19, 1924, no claimant having appeared for the property, judgment of the court was entered finding the product to be subject to condemnation and forfeiture, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12101–12150

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 11, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12101. Adulteration and misbranding of canned oysters. U. S. v. 22 Cases of Oysters. Default decree adjudging product liable to condemnation and forfeiture and ordering its destruction. (F. & D. No. 16661. I. S. No. 6401–v. S. No. C–3724.)

On July 27, 1922, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cases of oysters, at Decatur, Ill., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about May 27, 1922, and transported from the State of Georgia into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Hilton Head Brand * * * Contains 5 Oz. Oyster Meat Oysters * * * Packed By Hilton Head Packing Co. Office: Savannah, Ga."

It was alleged in substance in the libel that the article violated the said act, in that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

It was also alleged in substance in the libel that the article further violated the said act, in that the packages and cases and labels bore statements, designs, and devices which were false and misleading and deceived and misled the purchaser, and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 19, 1924, no claimant having appeared for the property, judgment of the court was entered finding the product to be liable to condemnation, and it was ordered by the court that it be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12102. Misbranding of quinces. U. S. v. 709 Boxes of Quinces. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17746. I. S. No. 11867–v. S. No. W–1407.)

On or about August 30, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 709 boxes of quinces, at Denver, Colo., consigned by the Pacific Fruit Exchange, Walnut Grove, Calif., alleging that the article had

been shipped from Walnut Grove, Calif., on or about August 10, 1923, and transported from the State of California into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pacific Fruit Exchange Net Weight 45 Lbs. Sunnyside Orchard Mrs. Sol. Runyon Quince Vorden Sacto Co., Cal."

Misbranding of the article was alleged in the libel for the reason that the statement, "Net Weight 45 Lbs.," labeled on the boxes, was false and misleading and deceived and misled the purchaser, since the net weight of each of the said boxes of quinces was less than 45 pounds.

On September 13, 1923, the California Fruit Distributors, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12103. Adulteration of canned salmon. U. S. v. 704 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16909. I. S. No. 7748–v. S. No. W–1230.)

On November 9, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 704 cases of canned salmon, at Seattle, Wash., alleging that the article had been shipped by the Alaska Consolidated Canneries, from Quadra, Alaska, September 22, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Tryet Brand * * * Pink Salmon Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a putrid and decomposed animal substance.

On November 20, 1923, the Southern Alaska Canning Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $3,500, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12104. Misbranding of Porose pills, Lozon pills, Lafayette headache powders, and Lafayette cough sirup. U. S. v. 3 Dozen Packages of Porose Pills, 3 Dozen Packages, et al., of Lozon Pills, 11 Dozen Packages, et al., of Lafayette Headache Powders, and 12 Dozen Packages of Lafayette Cough Sirup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18261, 18262, 18263, 18264, 18265. S. Nos. E–4687, E–4688, E–4691, E–4693, E–4694.

On January 11, 1924, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 3 dozen packages of Porose pills, 5 dozen packages of Lozon pills, 58 dozen packages of Lafayette headache powders, and 12 dozen packages of Lafayette cough sirup, consigned by the Lafayette Co., from Berlin, N. H., remaining in the original unbroken packages in various lots at Auburn, Portland, and Lewiston, Me., respectively, alleging that the articles had been shipped from Berlin, N. H., between the dates of October 11, 1922, and September 19, 1923, and transported from the State of New Hampshire into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Porose pills consisted essentially of extracts of plant drugs, including cascara sagrada, nux vomica, and oily matter, iron carbonate, and small amounts of sodium, arsenic, and sulphate, coated with sugar and calcium carbonate and colored red; that the Lozon pills consisted

essentially of extracts of plant drugs, including cascara sagrada and nux vomica, iron carbonate, and a little arsenic, coated with sugar, calcium carbonate, and iron oxide; that the Lafayette headache powders consisted essentially of acetanilide, caffeine, sodium bicarbonate, and aromatics, including cinnamon and ginger; and that the Lafayette cough sirup consisted essentially of extracts of plant drugs, including wild cherry, menthol, tar, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling bore the following statements regarding the curative and therapeutic effects of the said articles: (Porose pills) (carton, English and French) "For Girls And Women Of All Ages * * * For Weak Women Of All Ages," (box and wrapper) "A special French remedy for ladies and young girls. * * * quiets nervous and sleepless persons. * * * for the critical age of both mothers and daughters and all women's complaints in general," (circular) "for ladies. * * * Women * * * weakened by various diseases * * * are returned to perfect health by the use of Porose Pills. * * * for women's diseases. * * * effective in diseases caused by anemia, such as general weakness of the body * * * delayed or painful periods (menses,) womb troubles, leucorrhea (whites,) back-ache, pain in the sides, palpitation of the heart, general debility * * * irritation and nervousness. In general, suffering of women complaints of any kind, caused by the change of life and the critical age of young women, or any complaints that give a sickly appearance ought to use Porose Pills, which will render them their health and good looks. * * * their curative power * * * permanent cure * * * curative effect. * * * For Pale or weak young ladies suffering of * * * any * * * complaint particular to women, Porose Pills are an invaluable remedy, which will return to them the color and complexion indicating perfect health. * * * Most women complaints are caused by delayed or even suppressed * * * (menses,) * * * irregular uterine functions. * * * the best of regulating tonics for all women complaints. * * * Puberty Or Change of Age At the critical stage in the life of any young woman, Porose Pills will furnish the necessary vitality to conquer the weakness torpor (numbness) that characterizes that age. Irregular Periods (Menses) * * * Pregnancy And Maternity * * * will strengthen and facilitate greatly the confinement * * *. Leucorrhea (Whites) * * * unequalled for the treatment of this complaint. * * * Womb Troubles * * * Indigestion And Sour Stomach * * * Dyspepsia * * * Kidney trouble is invariably relieved;" (Lozon pills) (box) "Restores Vitality to weak men, whether lost by impure blood, excesses of any kind, old age or sickness * * * specially recommended as a * * * blood purifier, for overworked or run down system. They will * * * assist digestion, stimulate the kidneys and tone up weak men, thereby giving strength and new life," (wrapper) "For Men's Health * * * a * * * blood purifier * * * for the overworked or run down system * * * will * * * assist digestion and tone up weak men" (similar statements in French appear on both label and wrapper); (Lafayette headache powders) (25-cent box, English) "Headache * * * Reliable Reliever * * * Relieve Nervous and Bilious Headaches, Neuralgia, Sleeplessness, Cold with Fever, La Grippe, Mental Exhaustion and Sour Stomach," (25-cent box, French) "Allay all pains in the Head; all kinds of Neuralgia Heaviness of the Head, Nonchalance, Apathy resulting from intellectual Overwork, from Loss of sleep or from a Bad Digestion. * * * effectively alleviate Grippe accompanied or not with Fever," (10-cent package, English) "Headache * * * Reliable Reliever * * * Relieve Nervous & Bilious Headache, Neuralgia, Sleeplessness, Colds With Fever, La Grippe, Mental Exhaustion, and Sour Stomach. * * * Headaches Promptly Relieved;" (Lafayette cough sirup) (bottle) "for * * * affections of the throat or lungs," (carton) "for * * * affections of the Throat and Lungs" (similar statements in French appear on both bottle and label and carton).

On February 2, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12105. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18386. I. S. No. 987-v. S. No. E-4738.)

On February 12, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases, each containing 32 cartons of butter, at Atlanta, Ga., alleging that the article had been shipped by the Armour Creameries, from Louisville, Ky., on or about January 26, 1924, and transported from the State of Kentucky into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the cartons containing the said article, to wit, "One Pound Net Weight," was false and misleading and deceived and misled the purchaser into the belief that each of the said cartons contained 1 pound net weight of butter, whereas, in truth and in fact, each of the said cartons did not contain 1 pound net weight of butter but contained a less quantity. Misbranding was alleged for the further reason that the article was [food] in package form and the [quantity of the] contents thereof was not plainly and correctly stated on the outside of the package.

On February 18, 1924, Morris & Co., a branch of the North American Provision Co., having appeared as claimant for the property and having admitted the allegations of the libel, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, conditioned in part that it be relabeled so as to show the correct net weight.

C. F. Marvin, *Acting Secretary of Agriculture.*

12106. Adulteration and misbranding of canned tomatoes. U. S. v. 711 Cases of Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17255. I. S. Nos. 1541-v, 1730-v. S. No. E-4290.)

On February 8, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 711 cases, each containing 24 cans of tomatoes, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Lyndonville Canning Co., from Baltimore, Md., in part on or about October 31 and in part on or about November 21, 1922, and transported from the State of Maryland into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, added purée, pulp or juice from the skins and cores of tomatoes, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the article was labeled, "Lyndonville Canning Company Inc. Lyndonville, Orleans County, N. Y. * * * Selected * * * Tomatoes The tomatoes under this label are selected with the greatest possible care, they are whole, ripe, perfect specimens, packed by hand, thoroughly sterilized and specially processed in our model factory to meet the demand for a better quality of tomatoes for table use," together with the design showing a whole ripe red tomato, which statements and design were false and misleading and deceived and misled the purchaser, in that they represented to purchasers that the said article was tomatoes, whereas, in truth and in fact, it was not tomatoes but was a product containing added purée, pulp or juice from the skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 12, 1923, W. W. Boyer & Co., Inc., Baltimore, Md., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

12107. Misbranding of olive oil. U. S. v. 26 Quart Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15410, 15411, 15418, 15469, 15478. I. S. Nos. 3518–t, 3519–t, 3520–t, 3521–t, 3522–t, 3523–t, 3524–t, 3525–t. S. Nos. C–3257, C–3258, C–3259, C–3264, C–3268.)

On October 6, 10, 12, and 14, 1921, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 28 gallon cans, 33 2-quart cans, 44 quart cans, and 78 pint cans of olive oil, at Minneapolis, Minn., alleging that the article had been shipped by Deligiannis Bros., in part from Galewood and in part from Chicago, Ill., in various consignments, namely, April 2, August 25, September 13, September 24, and September 27, 1921, respectively, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Net Contents One Gallon" (or "Two Quarts" or "One Quart" or "One Pint") "* * * Pure Olive Oil * * * Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in substance in the libels for the reason that the statements appearing in the labeling, namely, "Net Contents One Gallon," "Net Contents Two Quarts," "Net Contents One Quart," and "Net Contents One Pint," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 5, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12108. Adulteration of shell eggs. U. S. v. Jessie Alford Bentley and Roy Altama Frame (Bentley & Frame). Case dismissed as to Roy Altama Frame. Plea of guilty by Jessie Alford Bentley. Fine, $15. (F. & D. No. 17947. I. S. No. 5961–v.)

On January 16, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jessie Alford Bentley and Roy Altama Frame, copartners, trading as Bentley & Frame, Bloomburg, Tex., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 4, 1923, from the State of Texas into the State of Louisiana, of a quantity of eggs which were adulterated. The article was labeled in part: "From Bentley & Frame Bloomburg, Tex."

Examination by the Bureau of Chemistry of this department of the 720 eggs in the consignment showed that 83, or 11.5 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, heavy blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On February 18, 1924, the case against Roy Altama Frame having been dismissed, a plea of guilty was entered by Jessie Alford Bentley, and the court imposed a fine of $15 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12109. Misbranding of vegetable oil. U. S. v. 230 Cases, et al., of Spatola Pure Vegetable Oil. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18303, 18387. I. S. Nos. 2800–v, 2902–v. S. Nos. E–4731, E–4736.)

On February 14, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 629½ cases of Spatola pure vegetable oil, at Philadelphia, Pa., consigned by Portsmouth Cotton Oil Refining Corp., Portsmouth, Va., alleging that the article had been shipped from Portsmouth, Va., in two consignments, namely, on or about January 3 and 15, 1924, respectively, and transported from the State of Virginia into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part: (Can) "Spatola Pure Vegetable Oil * * * Five Gallons Net;" (case) "2 – 5 Gal. Cans."

Misbranding of the article was alleged in substance in the libels for the reason that the labeling bore the statements, "Five Gallons Net" and "2 – 5 Gal. Cans," which were false and misleading, in that the said statements represented that the cans each contained 5 gallons net of the said article, when, in fact, they did not. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1924, Felix Spatola & Son, Philadelphia, Pa., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $5,880, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12110. Adulteration and misbranding of canned oysters. U. S. v. 25 Cases of Canned Oysters. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 659–c. S. No. E–4143.)

On or about August 3, 1922, the United States attorney for the Southern District of Florida, acting upon a report by officers of the Department of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of canned oysters, at Haines City, Fla., alleging that the article had been shipped by George W. Lowden, from Savannah, Ga., on or about March 8, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Palmetto Brand Oysters This Can Contains 5 Oz. Oyster Meat * * * Packed by Geo. W. Lowden Main Office, Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the statement regarding the article, to wit, "This Can Contains 5 Oz. Oyster Meat," which was false and misleading and deceived and misled the purchaser.

On November 13, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12111. Misbranding of butter. U. S. v. 31 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18400. I. S. No. 17686–v. S. No. C–4292.)

On February 19, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 31 boxes, each containing 60 alleged 1-pound packages of butter, at Chicago, Ill., alleging that the article had been shipped by the Browerville Creamery Co., from Browerville, Minn., February 5, 1924, and transported from the State of Minnesota into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Ayrshire Brand Creamery Butter * * * Sold By H. C. Christians Co., Johnson Creek, Wis. * * * One Pound Net."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "One Pound Net," appearing upon each of the said packages, was false and misleading and deceived and misled the purchaser, in that the said statement represented that each of the packages contained 1 pound net of butter, whereas each of said packages contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On February 23, 1924, the H. C. Christians Co., claimant, having admitted the material allegations in the libel and consented to the entry of a decree,

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so that each of the packages would contain 1 pound net.

C. F. Marvin, *Acting Secretary of Agriculture.*

12112. Adulteration and misbranding of flour. U. S. v. 160 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18113. I. S. No. 8446–v. S. No. W–1449.)

On or about December 3, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of flour, at Fresno, Calif., consigned by the Crown Mills, Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., on or about November 9, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Crown Hard Wheat Patent Flour Crown Mills, Portland, Tacoma, Seattle 98 Pounds."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "98 Pounds," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package containing the said article, in terms of weight and measure.

On January 28, 1924, the Allen Flour Co., San Francisco, Calif., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be dried down and the sacks filled in a manner satisfactory to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12113. Misbranding of Doan's kidney pills. U. S. v. 199 Dozen Packages, et al., of Doan's Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18062, 18063. I. S. Nos. 6750–v, 6751–v, 6752–v. S. Nos. C–4200, C–4202.)

On November 19 and 20, 1923, respectively, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 439 dozen small packages of Doan's kidney pills, at St. Louis, Mo., alleging that the article had been shipped by the Foster-Milburn Co. Buffalo, N. Y., in part on or about October 23 and in part on or about November 15, 1923, and transported from the State of New York into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Kidney Pills * * * acting directly on the * * * Urinary System;" (circular) (English) "Kidney Pills * * * There are certain trades in which * * * those following such trades are * * * subject to kidney troubles. In such cases, if these pills are indicated * * * increase the dose * * * when relief is noticed, the dose may be reduced * * * a good medicine," (Magyar, Swedish, German) "If you work hard or if you perform indoor work of [or] any kind of work which strains the kidneys, increase the dose," (Bohemian) "If you work hard or in closed quarters or if you perform work which affects the kidneys, increase the use of the pills," (Yiddish) "if you work hard and suffer with kidney troubles, take three pills each time until you feel better," (Polish) "if you work hard or indoors or any work which injures the kidneys, take one more, that is three pills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium nitrate, ground uva ursi leaves, a trace of a volatile oil such as turpentine or juniper oil, a resin, starch, sugar, and talc, coated with starch, sugar, and talc.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 30, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12114. Adulteration of canned salmon. U. S. v. 615 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17766. I. S. No. 8390-v. S. No. W-1415.)

On or about September 21, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 615 cases of salmon, at Chicago, Ill., alleging that the article had been shipped by J. G. Megler & Co., from Portland Oreg., July 24, 1923, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Mascot Brand * * * Salmon Packed At Brookfield * * * Wash. * * * J. G. Megler & Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 14, 1923, Nellie E. Megler, trading as J. G. Megler & Co., Brookfield, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be separated or reprocessed under the supervision of this department, the bad portion destroyed and the good portion released.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12115. Misbranding of cottonseed meal. U. S. v. Accidental Oil Mills, a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 14743. I. S. No. 24646-r.)

On July 6, 1921, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Accidental Oil Mills, a corporation, Granger, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 21, 1920, from the State of Texas into the State of Indiana, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Ordinary Cottonseed Meal Manufactured By Accidental Oil Mills Granger, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.38 per cent of crude protein and 15.36 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 43 per cent of crude protein and did contain more than 12 per cent of crude fiber.

On April 16, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12116. Misbranding of Porose pills. U. S. v. 288 Boxes, et al., of Porose Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18185, 18186, 18187, 18210, 18211. S. Nos. E–4649, E–4651, E–4653, E–4654, E–4660.)

On January 4, 1924, the United States attorney for the District of Maine, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 358 boxes of Porose pills, in various lots at Portland, Lewiston, and Winslow, Me., respectively, alleging that the article had been shipped by the Lafayette Co., Berlin, N. H., between the dates of July 6 and November 28, 1923, and transported from the State of New Hampshire into the State of Maine, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of extracts of plant drugs, including cascara sagrada, nux vomica, and oily matter, iron carbonate, and small amounts of sodium, arsenic, and sulphate, coated with sugar and calcium carbonate and colored red.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing on the box and carton labels and in the accompanying circular and wrapper, (carton, English and French) "For Girls And Women Of All Ages * * * For Weak Women Of All Ages," (box and wrapper) "A special French remedy for ladies and young girls. * * * quiets nervous and sleepless persons. * * * for the critical age of both mothers and daughters and all women's complaints in general," (circular) "for ladies. * * * Women * * * weakened by various diseases * * * are returned to perfect health by the use of Porose Pills. * * * for women's diseases. * * * effective in diseases caused by anemia, such as general weakness of the body * * * delayed or painful periods (menses,) womb troubles, leucorrhea (whites,) back-ache, pain in the sides, palpitation of the heart, general debility * * * irritation and nervousness. In general, suffering of women complaints of any kind, caused by the change of life and the critical age of young women, or any complaints that give a sickly appearance ought to use Porose Pills, which will render them their health and good looks. * * * their curative power * * * permanent cure * * * curative effect. * * * For pale or weak young ladies suffering of * * * any * * * complaint particular to women, Porose Pills are an invaluable remedy, which will return to them the color and complexion indicating perfect health. * * * Most women complaints are caused by delayed or even suppressed * * * (menses,) * * * irregular uterine functions. * * * the best of regulating tonics for all women complaints. * * * Puberty Or Change Of Age At the critical stage in the life of any young Woman, Porose Pills will furnish the necessary vitality to conquer the weakness torpor (numbness) that characterizes that age. * * * Irregular Periods (Menses) * * * Pregnancy And Maternity * * * will strengthen and facilitate greatly the confinement * * *. Leucorrhea (Whites) * * * unequalled for the treatment of this complaint. * * * Womb Troubles * * * Indigestion And Sour Stomach * * * Dyspepsia * * * Kidney trouble is invariably relieved," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic or curative effects claimed.

On January 31, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12117. Misbranding of olive oil. U. S. v. 40 Cans of Olive Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15699. I. S. No. 14920–t. S. No. C–3353.)

On December 7, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 alleged pint cans of olive oil, at Detroit, Mich., alleging that the article had been shipped by the Old Monk Olive Oil Co., from Chicago, Ill., November 15, 1921, and transported from the State of Illinois into the

State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "France Old Monk * * * Trade Mark Olive Oil * * * Old Monk Olive Oil Co. New York - Chicago - Nice Net Contents One Pint."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "One Pint," appearing on the cans containing the article, was false and misleading, in that the contents of each of the said cans was less than 1 pint, and for the further reason that the article was falsely labeled "One Pint," so as to deceive and mislead purchasers, since each of the said packages did not contain 1 pint and the shortage was not a reasonable variation permitted under the laws and regulations established under the act. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 3, 1922, the Old Monk Olive Oil Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12118. Adulteration of canned sardines. U. S. v. 50 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17745, 17773, 17774, 17775, 17834. I. S. Nos. 4542–v, 4545–v, 4546–v, 4548–v, 4550–v, 4658–v, 4659–v, 4660–v. S. Nos. C–4115, C–4116, C–4122.)

On August 27, September 8, and September 20, 1923, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 373 cases of sardines, at Cleveland, Ohio, alleging that the article had been shipped by the Columbian Canning Co., Lubec, Me., in part on or about June 29 and in part on or about August 1, 1923, and transported from the State of Maine into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "Champion Brand American Sardines * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 11 and 29, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12119. Misbranding of butter. U. S. v. 172 Pounds of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17388. I. S. Nos. 6566–v, 6567–v. S. No. C–3955.)

On March 20, 1923, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 172 pounds and 50 pounds of butter, remaining unsold in the original unbroken packages at East St. Louis, Ill., consigned by Paul A. Schulze, St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 8, 1923, and transported from the State of Missouri into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "Clover Springs Pure Butter * * * One Pound Net Paul A. Schulze Co., St. Louis, Mo." The remainder of the said article was labeled in part: (Shipping carton) "Plain Sweet Halves – 8."

Misbranding of the article was alleged in the libel for the reason that the statement, "One Pound Net," was false and misleading and deceived and misled the purchaser.

On March 27, 1923, the Paul A. Schulze Co., St. Louis, Mo., having appeared as claimant for the property, a decree of the court was entered adjudging the product to be liable to condemnation and forfeiture, and it was ordered by the

court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12120. Misbranding and alleged adulteration of canned salmon. U. S. v. 250 Cases of Columbia River Pink Salmon. Default decree ordering product destroyed. (F. & D. No. 17192. I. S. No. 8758–v. S. No. C–3871.)

On or about January 25, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of Columbia River pink salmon, at Memphis, Tenn., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., on or about September 26, 1922, and transported from the State of Washington into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Columbia River Pink Salmon Woody Island Brand Brookfield Packing Co. Brookfield, Wash."

Adulteration of the article was alleged in the libel for the reason that salmon or fish other than Columbia River pink salmon, to wit, Chinook salmon, had been substituted in whole or in part for pink salmon. Adulteration was alleged for the further reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement on the labels, "Columbia River Pink Salmon," was false and misleading and calculated to deceive and mislead the purchaser, in that the article was composed in whole or in part of decomposed Chinook salmon, which rendered it unfit for food.

On July 28, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and subject to seizure, and it was ordered by the court that the said product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12121. Misbranding of sweet mixed pickles. U. S. v. 44 Cases of Sweet Mixed Pickles. Decree entered ordering release of product. (F. & D. No. 17040. I. S. Nos. 7969–v, 7970–v. S. No. W–1258.)

On December 16, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cases, each containing 4 dozen cans of sweet mixed pickles, at Phoenix, Ariz., alleging that the article had been shipped by the California Conserving Co., Hayward, Calif., in part on or about June 9 and in part on or about September 30, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "The California Home Brand Sweet Mixed Pickles * * * Packed By California Conserving Co. San Francisco, U. S. A. * * * Total Contents 13 Oz. Drained Contents 9 Oz."

Misbranding of the article was alleged in the libel for the reason that the statements, "Total Contents 13 Oz. Drained Contents 9 Oz.," appearing in the labeling, were false and misleading and deceived and misled the purchaser, in that the total contents was not 13 ounces nor was the drained contents 9 ounces. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 21, 1923, Haas, Baruch & Co., Phoenix, Ariz., having appeared as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon showing that the costs of the proceedings had been paid and the said product relabeled.

C. F. Marvin, *Acting Secretary of Agriculture.*

12122. Misbranding of butter. U. S. v. 140 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17718. I. S. Nos. 6933–v, 6934–v. S. No. C–4093.)

On or about September 13, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 140 pounds of butter, remaining in the original packages at Wichita Falls, Tex., alleging that the article had been shipped by the Sunshine Creamery, from Gage, Okla., on or about August 2, 1923, and transported from the State of Oklahoma into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Print) "Sunshine Butter Sunshine Creamery Gage, Oklahoma * * * One Pound Net Weight" (or "One-Half Pound Net Weight"); (case) "From The Sunshine Creamery G. H. Sweeney Gage, Okla."

Misbranding of the article was alleged in the libel for the reason that the statements, "One Pound Net Weight" and "One-Half Pound Net Weight," appearing on the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12123. Misbranding of Smith's buchu lithia pills. U. S. v. 161 Boxes, et al., of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 17905, 17906, 17907. S. Nos. E-4527, E-4528, E-4530.)

On November 5, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 451 boxes of Smith's buchu lithia pills, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by W. F. [C. F.] Smith, from Boston, Mass., in various consignments, namely, on or about June 3, August 25, and September 27, 1923, respectively, and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of potassium and sodium nitrate and citrate, magnesia, licorice, uva ursi, and soap, coated with sugar and iron oxide.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, regarding its curative and therapeutic effects, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * * 'permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * *.' '* * * the best remedy for weak kidneys * * *.' '* * * recommend them to any one with suppression or stoppage of urine.' * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," were false and fraudulent, since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On March 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12124. Adulteration and misbranding of butter. U. S. v. 200 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18394. I. S. No. 13130–v. S. No. E–4741.)

On February 18, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sunlight Creameries, from Washington Court House, Ohio, on or about July 12, 1923, and transported from the State of Ohio into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On March 14, 1924, Droste & Snyder, Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,700, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12125. Misbranding of La Derma vagiseptic discs, Bick's nerve tonic, Arthur's sextone tablets, Arthur's emmenagogue pills, Leslie's emmenagogue pills, Thomas' emmenagogue pills, Bick's sextone pills, Bick's Daisy 99, and Bick's sarsaparilla compound. U. S. v. 22 Boxes of La Derma Vagiseptic Discs, et al. Default decrees of condemnation and forfeiture. Products ordered disposed of according to law. (F. & D. Nos. 15391, 15392. S. Nos. C–3233, C–3238.)

On September 28, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 27 boxes of La Derma vagiseptic discs, 33 boxes of Bick's nerve tonic, 10 packages of Arthur's sextone tablets, 11 packages of Arthur's emmenagogue pills, 16 packages of Leslie's emmenagogue pills, 5 packages of Thomas' emmenagogue pills, 11 packages of Bick's sextone pills, 2 bottles of Bick's Daisy 99, and 2 bottles of Bick's sarsaparilla compound, at Cooper, Tex., alleging that the articles had been shipped by the Palestine Drug Co., St. Louis, Mo., in various consignments, namely, on or about September 23, 1918, October 14 and 21, 1919, and November 13, 1920, respectively, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma vagiseptic discs contained salt, alum, starch, milk, sugar, and talc; that Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; that Arthur's sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; that Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills conained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; that Bick's sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and

orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; that Bick's Daisy 99 consisted essentially of extracts of plant drugs, including cascara sagrada and buchu, sodium acetate, alcohol, and water; and that Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water.

Misbranding of the articles was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said articles were false and fraudulent, since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (La Derma vagiseptic discs) (wrapper) "for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) "For * * * Amenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea;" (Bick's nerve tonic) (wrapper) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains * * * a nerve * * * tonic * * * for all female complaints. * * * for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex. * * * for female weakness heart trouble and where a general breakdown of the nervous system exists;" (Arthur's sextone tablets) (wrapper) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up;" (Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills) (box) "Emmenagogue Pills recommended for Ammenorrhea, Dysmenorrhea and other Menstrual Troubles. * * * beginning treatment * * * before the regular monthly period. * * * continue * * * until relief is obtained;" (Bick's sextone pills) (box) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies;" (Bick's Daisy 99) (bottle) "For Gonorrhoea, Gleet, Leucorrhoea and other Irritations or Infections of the Urinary tract For Male Or Female," (wrapper) "For Gonorrhoea Gleet Leucorrhoea etc. For Male and Female;" (Bick's sarsaparilla compound) (bottle) "to be taken regularly as long as impurity exists in the blood. * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "for the Treatment of all Diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood."

Misbranding was alleged with respect to the Bick's sarsaparilla compound for the further reason that the statement on the bottle, "Alcohol by volume 6%" [Contains 6% Alcohol], and on the wrapper, "Alcohol by volume 10%" [Alcohol 10 Per Cent], were false and misleading, since the article did not contain alcohol in either amount. Misbranding was alleged for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein, since the statement made was not correct.

On November 1, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be disposed of by the United States marshal according to law.

C. F. Marvin, *Acting Secretary of Agriculture.*

12126. Misbranding of Conkey's cow special. U. S. v. 81 Packages, et al., of Conkey's Cow Special. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15876, 15877. I. S. Nos. 18210–t, 18211–t. S. No. C–3344.)

On March 3, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 packages, 60-cent size, and 11 packages, $1.20 size, of Conkey's cow special, remaining in the original packages at Dallas, Tex., alleging that the article had been shipped by the G. E. Conkey Co., Cleveland, Ohio, on or about August 20, 1918, and transported from the State of Ohio into the

State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Both sizes) "Conkey's Cow * * * Special * * * For Barrenness * * * Abortion * * * Retained Afterbirth * * * Scours In Calves * * * To Maintain Vitality."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the preparation consisted essentially of sodium sulphate, charcoal, and ground plant material, including cinchona bark and uva ursi leaves.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the therapeutic and curative effects of the said article, were false and fraudulent, in that the said statements represented that the article was a treatment, remedy, and cure for barrenness, abortion, retained afterbirth, scours in calves, that it maintained vitality, and that it was a specific cure therefor, whereas the said article did not contain any ingredients capable of producing the effects claimed.

On February 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12127. Misbranding of Texas Wonder. U. S. v. 144 Bottles, et al., of Texas Wonder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12974, 12991, 12992. S. Nos. C–2000, C–2006, C–2007.)

On July 9 and 23, 1920, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 432 bottles of Texas Wonder, remaining in the original packages in part at Fort Worth and in part at Dallas, Tex., consigned by G. Nash, from St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in various consignments, namely, on or about June 21 and 25, 1920, respectively, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "The Texas Wonder, Hall's Great Discovery, for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children." A portion of the said cartons contained a circular reading in part as follows: "Read Carefully * * * In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements were false and fraudulent, in that the article contained no ingredients or combination of ingredients capable of producing the said therapeutic effects claimed on the cartons, to wit, the treatment and cure of kidney and bladder troubles, weak and lame backs, rheumatism, gravel, bladder trouble in children, stone in the kidneys, or similar diseases.

During the month of February, 1923, and on February 4, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12128. Misbranding of Ferraline. U. S. v. 183 Bottles and 487 Bottles of Ferraline. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16297, 16298. S. Nos. C–3614, C–3615.)

On May 22 and July 14, 1922, respectively, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 670 bottles of Ferraline, remaining in the original package in part at Dallas and in part at Fort Worth, Tex., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., in part on or about October 2, 1920, and in part on or about August 13, 1921 [1920], and transported from the State of Alabama into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "For Indigestion,

Rheumatism, Stomach Trouble, Kidney Trouble, Dysentery System Builder And Blood Purifier;" (carton) "For Stomach Trouble Rheumatism Indigestion Kidney Trouble Blood Purifier System Builder * * * Builds up the Rundown System, Restores Vitality, Relieves 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For Weak Puny Children this Natural Tonic can be relied upon no matter how serious or long standing;" (circular) "If You Suffer From Indigestion, Dyspepsia Or Stomach Troubles, take * * * after each meal. If You Are Afflicted With Rheumatism, Pains In The Body Or Limbs, Two teaspoons * * * after each meal and at bedtime, will * * * eliminate poisons from the system, restore your appetite * * *. If You Are Run Down * * * Two teaspoons * * * after each meal will renew weak tissues * * * overcome weakness and give you a new lease on life. Kidney Trouble, Backache Or Dull, Heavy Feeling will be overcome by regular doses of Ferraline * * *. For Sore Throat And Ordinary Cough * * *. There is no better remedy for ordinary sore throat than Ferraline. * * * Ferraline * * * will build up the system, restore strength and vitality * * * in restoring those who are weak, run-down and susceptible to various ills."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the bottle label and carton and in the accompanying circular were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the said therapeutic effects.

During the month of February, 1923, and on February 4, 1924, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12129. Adulteration of shell eggs. U. S. v. John Bostock. Plea of guilty. Fine, $25. (F. & D. No. 17778. I. S. No. 7613–v.)

On November 19, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Bostock, Upland, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 9, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Jno. Bostock, Upland, Nebraska."

Examination by the Bureau of Chemistry of this department of 360 eggs from the consignment showed that 139, or 38.61 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

12130. Misbranding of cottonseed meal. U. S. v. 500 Sacks, et al., of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18225, 18232. I. S. Nos. 13702–v, 15850–v. S. Nos. E–4686, E–4708.)

On January 2 and 7, 1924, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,000 sacks of cottonseed meal, remaining in the original unbroken packages in part at Elizabethtown and in part at Bird in Hand, Pa., consigned by the Eastern Cotton Oil Co., from Hertford, N. C., alleging that the article had been shipped in two consignments, namely, on or about November 15 and 19, 1923, respectively, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article

was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libels for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal," "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," and "100 Lbs. Net," which were false and misleading, in that they indicated to the purchaser that the article contained 41 per cent of protein, the equivalent of 8 per cent of ammonia, and that the sacks contained 100 pounds net of the article, when, in fact, the said article contained less than 41 per cent of protein and the said sacks contained less than 100 pounds of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On January 11 and 18, 1924, respectively, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $4,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12131. Adulteration and misbranding of vinegar. U. S. v. Lyons Bros. Co., a Corporation. Plea of guilty. Fine, $50 and costs. (F. & D. No. 17781. I. S. No. 9401–v.)

On November 17, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lyons Bros. Co., a corporation, trading at Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about May 10, 1923, from the State of Georgia into the State of Florida, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "The Lyons Bros. Co. Gold Dust Vinegar Atlanta, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was distilled vinegar containing not more than 10 per cent of apple vinegar, colored with caramel.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, diluted distilled vinegar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to vinegar, to wit, a mixture composed in part of diluted distilled vinegar, and was artificially colored so as to simulate the appearance of vinegar and in a manner whereby its inferiority to vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Vinegar," borne on the barrel containing the article, regarding the said article, was false and misleading, in that it represented that the article consisted wholly of vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of vinegar, whereas, in truth and in fact, it did not so consist but did consist in part of diluted distilled vinegar, artificially colored. Misbranding was alleged for the further reason that the article was a product composed in part of diluted distilled vinegar, artificially colored, prepared in imitation of vinegar, and was offered for sale and sold under the distinctive name of another article, to wit, vinegar.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12132. Adulteration and misbranding of cottonseed meal. U. S. v. Atlanta Cotton Oil Co., a Corporation. Plea of guilty. Fine, $150 and costs. (F. & D. No. 17777. I. S. No. 3385–v.)

On November 17, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlanta Cotton Oil Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 28, 1922, from the State of Georgia into the State of North Carolina, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Lbs. Good Cottonseed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00% Manufactured By Atlanta Cotton Oil Co. Atlanta, Ga."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.38 per cent of ammonia and 32.81 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a product inferior to good cottonseed meal, to wit, a product deficient in protein and ammonia, had been substituted for good cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Good Cottonseed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the said article was good cottonseed meal and that it contained not less than 7 per cent of ammonia and not less than 36 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was good cottonseed meal and that it contained not less than 7 per cent of ammonia and not less than 36 per cent of protein, whereas, in truth and in fact, it was not good cottonseed meal but was a product inferior to good cottonseed meal, to wit, a product deficient in ammonia and protein, and did contain less than 7 per cent of ammonia and less than 36 per cent of protein, to wit, approximately 6.38 per cent of ammonia and approximately 32.81 per cent of protein.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

12133. Adulteration of chloroform. U. S. v. 90 Tin Packages of Chloroform for Anesthesia. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16445. I. S. No. 9532–t. S. No. E–3973.)

On June 21, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 tin packages of chloroform for anesthesia, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped from New York, N. Y., May 18, 1922, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name, to wit, chloroform, recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On March 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12134. Misbranding of flour. U. S. v. 160 Sacks of Flour. Decree ordering release of product to be reconditioned or relabeled. (F. & D. No. 17686. I. S. No. 11838–v. S. No. W–1404.)

On August 16, 1923, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of flour, at Reno, Nev., alleging that the article had been shipped by the Gem State Roller Mill & Elevator Co., from Ucon, Idaho, on or about July 17, 1923, and transported from the State of Idaho into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Patent Perfect Flour Bleached 98 Lbs. When Packed Gem State Roller Mill & Elevator Co. Ucon, Idaho."

Misbranding of the article was alleged in the libel for the reason that the statement, "98 Lbs.," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 30, 1923, the Cremer-Erickson Co., Reno, Nev., having appeared as claimant for the property, and it having appeared to the court that the Government had established the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled under the supervision of this department, so that it would comply with the requirements of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12135. Adulteration and misbranding of flour. U. S. v. 1,000 Sacks of Flour. Judgment ordering product released under bond to be used for technical purposes. (F. & D. No. 17826. I. S. No. 2223–v. S. No. E–4485.)

On September 17, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 sacks of flour, at Pittsburgh, Pa., alleging that the article had been shipped by the Hormel Mfg. Co., from Austin, Minn., on or about February 23, 1923, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Sack) "98 Lbs. When Packed Every Sack Guaranteed Hormel's Quality Minnesota Fancy Patent Flour Hormel Milling Co. Austin, Minn."

Adulteration of the article was alleged in substance in the libel for the reason that musty flour had been substituted wholly or in part for quality fancy patent flour, which the article purported to be. Adulteration was alleged for the further reason that it consisted wholly or in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement, "98 Lbs. When Packed Quality * * * Fancy Patent Flour," was false and misleading and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 16, 1924, Schomaker & Co., Pittsburgh, Pa., having appeared as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of $6,400, in conformity with section 10 of the act, conditioned in part that it be used for technical purposes.

C. F. Marvin, *Acting Secretary of Agriculture.*

12136. Misbranding of lemon extract. U. S. v. 82 Dozen Bottles of Flavoring Extract. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16780. I. S. No. 1306–v. S. No. E–4157.)

On August 26, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 82 dozen bottles of flavoring extract, remaining in the

original packages at Norfolk, Va., alleging that the article had been shipped by R. C. Williams & Co., from New York, N. Y., on or about February 24, 1922, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Shipping carton) "The Famous Royal * * * Scarlet Brand * * * R. C. Williams & Co., New York;" (bottle) "Flavoring Extract Terpeneless Lemon * * * Contents 2 Fl. Oz."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling, to wit, "Contents 2 Fl. Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement, "Contents 2 Fl. Oz.," made thereon was incorrect.

On February 16, 1924, R. C. Williams & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12137. Adulteration and misbranding of vanilla. U. S. v. 300 Dozen Bottles of Vanilla. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16686. I. S. No. 1301–v. S. No. E–4079.)

On or about August 2, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 dozen bottles of vanilla, remaining in the original packages at Norfolk, Va., alleging that the article had been shipped by R. C. Williams & Co., from New York, N. Y., June 30, 1922, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Carton) "The Famous Royal * * * Scarlet Brand * * * R. C. Williams & Co., New York;" (bottle) "Flavoring Extract Vanilla * * * Contents 1 Fl. Oz."

Adulteration of the article was alleged in substance in the libel for the reason that dilute extract of vanilla, reinforced with vanillin and mixed and colored in a manner whereby damage and inferiority were concealed, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements appearing in the labeling, (bottle) "D–P Brand * * * Flavoring Extract Vanilla," (carton) "Use D. P. Quality Flavoring Extracts For Flavoring," (wholesale carton) "The Famous Royal * * * Scarlet Brand The Finest Food Products In The World," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 16, 1924, R. C. Williams & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12138. Adulteration and misbranding of vanilla extract. U. S. v. 120 Dozen Bottles of Vanilla Extract. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16762. I. S. No. 1305–v. S. No. E–4133.)

On August 23, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 120 dozen bottles of vanilla extract, remaining in the original packages at Norfolk, Va., alleging that the article had been shipped by R. C. Williams & Co., from New York, N. Y., on or about July 30, 1922, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Shipping carton) "The Famous

Royal * * * Scarlet Brand * * * R. C. Williams & Co., New York;" (bottle) "Flavoring Extract Vanilla * * * Contents 2 Fl. Oz."

Adulteration of the article was alleged in the libel for the reason that dilute extract of vanilla, reinforced with vanillin and mixed and colored in a manner whereby damage and inferiority were concealed, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing on the bottles containing the article and on the cartons in which they were packed, to wit, (bottle and carton) "Flavoring Extract Vanilla * * * Contents 2 Fl. Oz.," (carton) "Use * * * Quality Flavoring Extracts For Flavoring," (wholesale carton) "The Famous Royal * * * Scarlet Brand The Finest Food Products In The World," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement, to wit, "Contents 2 Fl. Oz.," was incorrect.

On February 16, 1924, R. C. Williams & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $150, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

12139. Adulteration and misbranding of ground mixed feed barley. U. S. v. 500 Bags of Ground Feed. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18193. I. S. No. 10297–v. S. No. E–3905.)

On December 20, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 bags of ground feed, remaining in the original unbroken packages at East Point, Ga., alleging that the article had been shipped by the Cokato Milling Co., from Minneapolis, Minn., on or about October 7, 1923, and transported from the State of Minnesota into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 Lbs. Net Ajax Ground Mixed Feed Barley * * * Protein 11% * * * Manufactured By Cokato Milling Co. Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein and containing oats and screenings had been mixed and packed with and substituted wholly and in part for ground mixed feed barley, which the said article purported to be.

Misbranding was alleged for the reason that the statements in the labeling, "Ground Mixed Feed Barley * * * Protein 11%," were false and misleading and deceived and misled the purchaser, in that the article was not a ground mixed feed barley and did not contain 11 per cent of protein. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, "Ground Mixed Feed Barley * * * Protein 11%."

On January 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12140. Misbranding of cottonseed meal. U. S. v. 1,300 Sacks, et al., of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18219, 18220, 18221, 18224, 18235, 18237. I. S. Nos. 13701–v, 15846–v, 15847–v, 15848–v, 15878–v, 15879–v. S. Nos. E–4679, E–4680, E–4681, E–4685, E–4711, E–4717.)

On December 27, 1923, and January 2 and 7, 1924, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,930 sacks of cottonseed meal, remaining in the original unbroken packages in various lots at Christiana, Landisville, Strasburg, Vintage, Elizabethtown, and East

Earl, Pa., respectively, consigned by the Eastern Cotton Oil Co., in part from Edenton and in part from Hertford, N. C., alleging that the article had been shipped in various consignments, namely, on or about October 30, November 1, 2, 7, 15, and 16, 1923, respectively, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libels for the reason that the packages containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal" and "Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," which statements were false and misleading, in that they indicated to the purchaser that the article contained 41 per cent of protein, the equivalent to 8 per cent of ammonia, when, in fact, it contained less than 41 per cent of protein.

On January 11 and 18, 1924, respectively, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $6,450, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

12141. Adulteration and misbranding of canned tomatoes. U. S. v. 600 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18216. I. S. No. 15902-v. S. No. E-4678.)

On December 28, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of canned tomatoes, at Newark, N. J., alleging that the article had been shipped by the Delaware Packing Co., from Laurel, Del., on or about October 5, 1923, and transported from the State of Delaware into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Delaware Brand" (cut showing red ripe tomato) "Tomatoes Contents 1 Pound 3 Ounces * * * Untouched By Hands In Process Of Peeling No Chemicals * * * Packed By Delaware Packing Co. Dover, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, small pieces of tomato and tomato skins, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the package containing the article bore statements regarding the said article and the ingredients and substances contained therein, to wit, "Tomatoes Contents 1 Pound 3 Ounces," together with the design or device of a red tomato, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On March 11, 1924, the Delaware Packing Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Delaware Brand Machine Crushed Tomatoes with juice and some skin Contents 1 Pound Packed by Delaware Packing Co. Dover, Del."

C. F. Marvin, *Acting Secretary of Agriculture.*

12142. Adulteration of walnut meats. U. S. v. Mrs. Lillian Gold, Mrs. Fannie Davis, and Mrs. Sadie Pincus (Sanitary Nut Shelling Co.). Pleas of guilty. Fine, $300. (F. & D. No. 17814. I. S. Nos. 8159–v, 8160–v, 8162–v, 8274–v.)

At the January, 1924, term of the United States District Court within and for the Southern District of California, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Mrs. Lillian Gold, Mrs. Fannie Davis, and Mrs. Sadie Pincus, copartners, trading under the name of Sanitary Nut Shelling Co., Los Angeles, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, in various consignments, namely, on or about December 8, 19, and 29, 1922, respectively, from the State of California into the State of Colorado, and on or about December 19, 1922, from the State of California into the State of Washington, of quantities of walnut meats which were adulterated. The article was labeled in part: "Order Of Sanitary Nut Shelling Co. * * * Dark Amber."

Examination by the Bureau of Chemistry of this department of samples from each of the four consignments showed the presence of excessive quantities of wormy, rancid, moldy, and shriveled nuts.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On March 3, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate sum of $300.

C. F. Marvin, *Acting Secretary of Agriculture.*

12143. Misbranding of meat and bone scrap. U. S. v. Economy Poultry Supply Co., Inc., a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 17514. I. S. No. 135–v.)

On or about August 28, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Economy Poultry Supply Co., Inc., a corporation, Harrison, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 9, 1922, from the State of New Jersey into the State of New York, of a quantity of meat and bone scrap which was misbranded. The article was labeled in part: (Tag) "Bags Meat & Bone Scrap * * * 'MM Hygrade – The Secret of Good Mash' From Economy Poultry Supply Co. Inc. * * * Analysis: Protein 50 to 55%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 44.68 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis: Protein 50 to 55%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article contained not less than 50 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of protein, whereas, in truth and in fact, it did contain less than 50 per cent of protein, to wit, 44.68 per cent of protein.

On December 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and on December 17, 1923, the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

12144. Adulteration of chloroform. U. S. v. 140 Cans of Chloroform. Default decree adjudging product to be adulterated and ordering its destruction. (F. & D. No. 16548. I. S. No. 3624–t. S. No. C–3676.)

On July 6, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 140 cans of chloroform, at Superior, Wis., alleging that the article had been shipped from New York, N. Y., on or about November 29, 1921, and transported from the State of New York into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name, chloroform, recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia at the time of the investigation, and the standard of strength, quality, or purity was not plainly stated upon the containers thereof.

On June 5, 1923, no claimant having appeared for the property, a decree of the court was entered adjudging the product to be adulterated and ordering that it be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12145. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18233. I. S. No. 13703–v. S. No. E–4710.)

On January 7, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, at Elizabethtown, Pa., consigned by the International Vegetable Oil Co., Raleigh, N. C., alleging that the article had been shipped from Raleigh, N. C., on or about November 13, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 Lbs. Net Empire High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore certain statements regarding the article and the ingredients and substances contained therein, which were false and misleading, in that the said statements represented that the article contained "High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00%," when, in fact, it did not.

On February 26, 1924, D. K. Hiestand, Elizabethtown, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that it be retagged under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12146. Misbranding of butter. U. S. v. 100 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18392. I. S. No. 992–v. S. No. E–4739.)

On February 15, 1924, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of butter, at Atlanta, Ga., alleging that the article had been shipped by the Belle Meade Butter Co., from Nashville, Tenn., February 5, 1924, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Full Weight One Pound * * * Butter."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label on the cartons containing the said article, to wit, "Full Weight One Pound," was false and misleading and deceived and misled the purchaser into the belief that each of the said cartons contained 1 pound of butter, whereas, in truth and in fact, the said cartons did not each contain 1 pound of butter but did contain a materially less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity and [of the] contents were [was] not plainly and conspicuously marked on the outside of the package.

On February 19, 1924, George A. Hornel & Co., Atlanta, Ga., claimant, having admitted the allegations in the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12147. Misbranding of butter. U. S. v. 218 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18420. I. S. No. 1732–v. S. No. C–4302.)

On February 26, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 218 boxes of butter, at Chicago, Ill., alleging that the article had been shipped by the Beatrice Creamery Co., from Lincoln, Nebr., February 16, 1924, and transported from the State of Nebraska into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the cartons containing the article, to wit, "One Pound Net," was false and misleading and deceived and misled the purchaser, in that it represented that each of the said cartons contained 1 pound net of the article, whereas each of said cartons contained less than 1 pound net of the said article. Misbranding was alleged for the further reason that the article was food in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On March 12, 1924, the Beatrice Creamery Co., Lincoln, Nebr., claimant having admitted the material allegations in the libel, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department so that each package would contain 1 pound net, or that the correct net weight would be stated on the package.

C. F. Marvin, *Acting Secretary of Agriculture.*

12148. Adulteration of raisins and alleged adulteration of prunes. U. S. v. 41 Cases of Prunes and 18 Cases of Raisins. No seizure made of prunes. Default order providing for destruction of raisins. (F. & D. No. 16894. I. S. Nos. 5480–v, 5481–v. S. No. C–3826.)

On October 28, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 41 cases of prunes and 18 cases of raisins, at Minneapolis, Minn., consigned by the Milbank Mercantile Co., Milbank, S. Dak., alleging that the article had been shipped from Milbank, S. Dak., October 14, 1922, and transported from the State of South Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "From Milbank Mercantile Co. * * * Milbank, South Dakota;" "Milbank Merc. Co. Milbank, S. D."

Adulteration of the articles was alleged in the libel for the reason that they consisted wholly or in part of filthy, decomposed, and putrid vegetable substances.

On February 14, 1923, no seizure of the prunes having been effected, on affidavit of the United States attorney that the raisins were infested with bugs and unfit for food and that no appearance or claim had been entered therefor, it was ordered by the court that the said raisins be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

12149. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16860. S. No. C–3810.)

On September 29, 1922, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of salmon, remaining in the original cases at Dallas, Tex., alleging that the article had been shipped by the Canadian Bank of Commerce, Seattle, Wash., July 28, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

It was alleged in substance in the libel that the article was decomposed and adulterated in violation of section 7 of the said act.

On February 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

12150. Misbranding of canned clams. U. S. v. Chester C. Farmer. Plea of guilty. Fine, $10. (F. & D. No. 15996. I. S. No. 5629–t.)

On April 11, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chester C. Farmer, Boothbay, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 21, 1921, from the State of Maine into the State of Massachusetts, of a quantity of canned clams which were misbranded. The article was labeled in part: (Can) "Oak Hill Brand * * * Clams Contents 8 Oz."

Examination by the Bureau of Chemistry of this department of 12 cans from the consignment showed that the drained meat in the cans examined averaged 7.29 ounces, a shortage of 8.88 per cent of the declared contents.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents 8 Oz.," borne on the labels attached to the cans containing the said article, was false and misleading, in that it represented that each of said cans contained 8 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 8 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 8 ounces of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 14, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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Salmon. *See* Fish.	
Sardines. *See* Fish.	
Sarsaparilla compound:	
Palestine Drug Co	12125
Sextone pills:	
Palestine Drug Co	12125
tablets:	
Palestine Drug Co	12125
Shellfish, clams:	
Farmer, C. C	12150
oysters:	
Hilton Head Packing Co	12101
Lowden, G. W	12110
Smith's buchu lithia pills:	
Smith, C. F	12123
Texas Wonder:	
Nash, G	12127
Thomas' emmenagogue pills:	
Palestine Drug Co	12125
Tomatoes, canned:	
Delaware Packing Co	12141
Lyndonville Canning Co	12106
Vagiseptic discs:	
Palestine Drug Co	12125
Vanilla extract. *See* Extract.	
Vegetable oil. *See* Oil.	
Vinegar:	
Lyons Bros. Co	12131
Walnuts:	
Sanitary Nut Shelling Co	12142

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SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12151–12200

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 14, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12151. Adulteration of canned sardines. U. S. v. 216 Cases and 289 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17577. I. S. Nos. 3443–v, 3447–v. S. No. E–4414.)

On June 26, 1923, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 505 cases of sardines, remaining in the original unbroken packages at Wilmington, N. C., consigned by the Columbian Canning Co., from St. Andrews, New Brunswick, Canada, alleging that the article had been shipped from St. Andrews, New Brunswick, on or about May 4, 1923, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Vender Brand American Sardines * * * Columbian Canning Co. Lubec Washington Co., Me." The remainder of the said article was labeled in part: "Columbian Brand * * * American Sardines * * * Lubec, Wash'n Co., Me. By Columbian Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12152. Adulteration of walnut meats. U. S. v. 2 Cases of Walnut Meats. Default decree ordering destruction of product. (F. & D. No. 17378. I. S. No. 7691–v. S. No. W–1355.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Magnus Fruit Products Co., from San Francisco, Calif., on or about February 23, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Magnus Fruit Products Company * * * San Francisco, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On January 3, 1924, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12153. Adulteration of walnut meats. U. S. v. 3 Barrels and 23 Cartons of Walnut Meats. Default decree ordering destruction of product. (F. & D. Nos. 17312, 17315. I. S. Nos. 7692–v, 7693–v. S. Nos. W–1328, W–1333.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 barrels and 23 cartons of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Fred L. Mitchell & Son, in part from Los Angeles and in part from Santa Ana, Calif., on or about November 24 and 27, 1922, respectively, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fred L. Mitchell & Son Walnut Meats Santa Ana California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On January 4, 1924, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12154. Adulteration of walnut meats. U. S. v. 2 Cases of Walnut Meats. Default decree ordering destruction of product. (F. & D. No. 17348. I. S. No. 11278–v. S. No. W–1346.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of walnut meats, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by M. Getz & Co., Inc., from San Francisco, Calif., on or about November 18, 1922, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Monogram California Fancy Selected * * * Light Amber Walnut Pieces Packed By M. Getz & Co., Inc. San Francisco * * * 50 Lbs. Net."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On January 14, 1924, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12155. Adulteration and misbranding of flour. U. S. v. 350 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18279. I. S. No. 1398–v. S. No. E–4727.)

On January 31, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 sacks of flour, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Williamson Milling Co. from Clay Center, Kans., on or about October 8, 1923, and transported from the State of Kansas into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The Williamson Milling Co. 140 Lbs. Winner Flour. Clay Center, Kans. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality, and for the further reason that water had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, "140 Lbs.," borne on the sacks containing the article, was false and misleading and deceived and

misled the purchaser, in that the said statement represented that each of the said sacks contained 140 pounds of the said article, whereas, in truth and in fact, each of said sacks did not contain 140 pounds of the article but contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated was not correct.

On February 19, 1924, Minnigerode & Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,350, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12156. Adulteration and misbranding of prepared mustard. U. S. v. Empire Bottling Works, a Corporation. Plea of guilty. Fine, $100. (F. & D. No. 17518. I. S. No. 15954–t.)

On August 28, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Empire Bottling Works, a corporation, Newark, N. J., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 20, 1922, from the State of New Jersey into the State of New York, of a quantity of prepared mustard which was adulterated and misbranded. The article was labeled in part: "Empire Brand Prepared Mustard * * * Empire Bottling Works, Newark, N. J."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added mustard hulls or bran.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added mustard hulls, had been substituted in part for prepared mustard, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Prepared Mustard," borne on the labels attached to the bottles containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that it represented that the article consisted wholly of prepared mustard, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of prepared mustard, whereas, in truth and in fact, it did not so consist but did consist in part of added mustard hulls.

On December 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12157. Adulteration of walnut meats. U. S. v. 3 Cases, et al., of Walnut Meats. Decree entered providing for release of a portion of the product under bond to be sorted. Default decrees entered providing for destruction of remainder. (F. & D. Nos. 17310, 17320, 17331, 17333, 17346, 17350, 17356, 17376. I. S. Nos. 7690–v, 7698–v, 7699–v, 8195–v, 8196–v, 8197–v, 8198–v, 8199–v, 8200–v, 11276–v, 11277–v, 11281–v. S. Nos. W–1329, W–1336, W–1339, W–1343, W–1344, W–1345, W–1350, W–1351.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 246 cases of walnut meats, remaining in the original unbroken packages in part at Salt Lake City and in part at Ogden, Utah, alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., between the dates of November 29, 1922, and February 9, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "Order Of Sanitary Nut Shelling Co."

Adulteration of the article was alleged in substance in the libels for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On February 9, 1924, the Sanitary Nut Shelling Co., Los Angeles, Calif., having appeared as claimant for 223 cases of the product and having paid the costs of the proceedings and executed a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned that the product be sorted

under the supervision of this department, it was ordered by the court that the said 223 cases of the product be released to the claimant. On January 4 and 14, 1924, no claimant having appeared for the remainder of the product, decrees of the court were entered ordering that it be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12158. Misbranding of prunes and pears. U. S. v. Milton Fruit Growers Cooperative Union, a Corporation. Plea of guilty. Fine, $25. (F. & D. No. 16244. I. S. Nos. 2009–t, 2010–t.)

On February 19, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milton Fruit Growers Cooperative Union, a corporation, Freewater, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about August 11, 1921, from the State of Oregon into the State of Nebraska, of consignments of prunes and pears, respectively, which were misbranded. The prunes were labeled in part: "Italian 6x6 20 Lbs Net Milton Fruit Growers Co-Op. Union Freewater, Ore." The pears were labeled in part: "Bartlett 165."

Examination of 20 crates of the prunes by the Bureau of Chemistry of this department showed that the said crates averaged 18.2 pounds net.

Misbranding of the prunes was alleged in the information for the reason that the statement, to wit, "20 Lbs Net," borne on the crates containing the article, regarding the said article, was false and misleading, in that it represented that each of the said crates contained 20 pounds net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said crates contained 20 pounds net of the said article, whereas, in truth and in fact, each of said crates contained a less amount.

Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12159. Adulteration of catsup. U. S. v. 680 Cases, et al., of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17995, 18031, 18032. I. S. Nos. 7077–v, 7081–v, 7082–v, 7083–v, 7084–v. S. Nos. C–4156, C–4160, C–4162.)

On November 9, 19, and 20, 1923, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,679 cases of catsup, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Pecoto Packing Co., from Indianapolis, Ind., in various consignments, on September 20, October 7, and October 11, 1923, respectively, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libels for the reason that it consisted in part of a filthy animal [vegetable] substance, for the further reason that it consisted in part of a decomposed animal [vegetable] substance, and for the further reason that it consisted in part of a putrid animal [vegetable] substance.

On February 7, 1924, the cases having been consolidated into one action, and the Pecoto Packing Co., Indianapolis, Ind., claimant, having admitted the material allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12160. Adulteration of shell eggs. U. S. v. Thomas Dodson Meador (T. D. Meador Grocery Co.). Plea of guilty. Fine, $25. (F. & D. No. 17079. I. S. No. 1102–v.)

On July 17, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Dodson Meador, trading as the T. D. Meador Grocery Co., Madison, N. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 17, 1922, from the State of North Carolina into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 90, or 8.3 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about January 1, 1924. the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12161. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17748. I. S. No. 4619–v. S. No. C–4109.)

On or about August 15, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, at Cincinnati, Ohio, consigned by E. H. Lamkin, Patriot, Ind., on or about August 14, 1923, alleging that the article had been shipped from Patriot, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 26, 1923, E. Hobart Lamkin, Patriot, Ind., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $50, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the good portion delivered to the claimant and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12162. Misbranding of butter. U. S. v. Mooresville Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, $50. (F. & D. No. 17062. I. S. Nos. 3032–v, 3033–v.)

On April 16, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mooresville Cooperative Creamery Co., a corporation, Mooresville, N. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 11, 1922, from the State of North Carolina into the State of South Carolina, of quantities of butter which was misbranded. The article was labeled in part: (Carton) "Autumn Leaf Creamery Butter The Mooresville Co-Operative Creamery Co. Mooresville, N. Carolina."

Examination by the Bureau of Chemistry of this department of a sample from each of the two consignments of the article showed that the average net weight of 40 and 16 packages was 15.27 and 15.61 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading, in that it represented that each of the said packages contained 1 pound net of the article, and for the further reason that the article was labeled as afore-

said so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12163. Adulteration and alleged misbranding of butter. U. S. v. 48 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18409. I. S. No. 17625–v. S. No. C–4295.)

On February 23, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Reed's Creamery Co., from Randolph, Nebr., February 6, 1924, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the statement, "Butter," appearing on the labels, was false and misleading and deceived and misled the purchaser.

On February 26, 1924, the Reed's Creamery Co., Randoph, Nebr., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12164. Misbranding of strawberries. U. S. v. James Daniel Bonds and Howard Joseph Foltz (J. D. Bonds & Co.). Pleas of guilty. Fine, $10 and costs. (F. & D. No. 16843. I. S. No. 4655–t.)

At the November, 1922, term of the United States District Court within and for the Western District of Tennessee, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against James Daniel Bonds and Howard Joseph Foltz, copartners, trading as J. D. Bonds & Co., Dyer, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 17, 1922, from the State of Tennessee into the State of Missouri, of a number of crates containing strawberries which were misbranded. The article was labeled in part: "From J. D. Bonds."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12165. Adulteration of canned salmon. U. S. v. 243 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17863. I. S. No. 20683–v. S. No. W–1427.)

On October 19, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 243 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Hood Bay, Alaska, September 19, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Celebration Brand * * * Cohoe Salmon Packed By Hidden Inlet Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 26, 1923, the Hidden Inlet Canning Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,215, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, the good portion released and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12166. Adulteration of canned salmon. U. S. v. 731 Cases and 378 Cases of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17715, 17825. I. S. Nos. 11494–v, 12053–v. S. Nos. W–1405, W–1418.)

On August 15 and September 14, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,109 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Consolidated Canneries Co., from Quadra, Alaska, in part March 25 and in part July 20, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Case) "Ala. Con. Canneries, Quadra, Alaska;" (can) "Tryet Brand * * * Pink Salmon Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash." The remainder of the article was labeled in part: (Case) "Blue Funnel Brand Pink Salmon Packed By Alaska Pacific Fisheries, Seattle, Wash.;" (can) "Blue Funnel Brand * * * Pink Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 8 and 11, 1924, respectively, the Southern Alaska Canning Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad under the supervision of this department, and the good portion released and the bad portion destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12167. Adulteration and misbranding of Laymo poultry feed. U. S. v. Francis X. Murphy, P. J. Shouvlin, and Edgar Lang (Superior Feed Co.). Pleas of guilty. Fine, $50 and costs. (F. & D. No. 17709. I. S. No. 10726–v.)

On November 12, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Francis X. Murphy, P. J. Shouvlin, and Edgar Lang, trading as the Superior Feed Co., Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about July 26, 1922, from the State of Tennessee into the State of Mississippi, of a quantity of Laymo poultry feed, which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Pounds Net When Packed Laymo Poultry Feed Manufactured By The Superior Feed Co. Memphis – Tenn * * * Ingredients Corn, Oats, Wheat, Kaffir, Milo Maize, Barley."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 8.50 per cent of protein and 1.17 per cent of fat. Examination by said bureau showed that it contained only traces of wheat, grain sorghum, and sunflower, approximately 50 per cent of corn, and appreciable quantities of oats and barley, with at least 25 per cent of grit.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, coarse grit, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, and for the further reason that a substance, to wit, excessive coarse grit, had been substituted in part for a product composed of corn, oats, wheat, kafir, milo maize, and barley, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Prot 10.00 Fat 2.50 * * * Ingredients Corn, Oats, Wheat, Kaffir, Milo Maize, Barley," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that they represented that the article contained not less than 10 per cent of protein and not less than 2.50 per cent of fat, and that it was composed of corn, oats, wheat, kafir, milo maize, and barley, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein and not less than 2.50 per cent of fat, and that it was composed of corn, oats, wheat, kafir, milo maize, and barley, whereas, in truth and in fact, it did contain less than 10 per cent of protein and less than 2.50 per cent of fat, to wit, approximately 8.50 per cent of protein and 1.17 per cent of fat, and the said article was not composed of corn, oats, wheat, kafir, milo maize, and barley but was composed of a product which contained an excessive amount of coarse grit and not more than traces of, if any, wheat, kafir, and milo maize.

On February 7, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of $50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12168. Adulteration and misbranding of canned tomatoes. U. S. v. 725 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18273. I. S. Nos. 15935–v, 15936–v. S. No. E–4724.)

On January 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 725 cases of canned tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Delaware Packing Co., from Laurel, Del., in part December 24 and in part December 25, 1923, and transported from the State of Delaware into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Delaware Brand" (cut showing a red, ripe tomato) "Tomatoes Contents 1 Pound 3 Ounces" (or "Contents 2 Pounds 1 Ounce") "* * * Packed by Delaware Packing Co. Dover, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, small pieces of tomato and tomato skin, had been substituted in part for the said article.

Misbranding was alleged with respect to the product involved in both consignments for the reason that the statement, "Tomatoes," regarding the article and the ingredients and substances contained in the said cases, was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to 400 cases of the product for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the 325 cases, containing the alleged 1-pound-3-ounce cans, for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 26, 1924, the Delaware Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12169. Misbranding of strawberries. U. S. v. Harve Browne Adams and Frank H. Herron (Adams & Herron). Pleas of guilty. Fine, $10 and costs. (F. & D. No. 16568. I. S. No. 13494–t.)

On November 6, 1922, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harve Browne Adams and Frank H. Herron, copartners, trading as Adams & Herron, Trezevant, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about May 9, 1922, from the State of Tennessee into the State of Kentucky, of a quantity of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 23, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12170. Adulteration of frozen eggs. U. S. v. 437 Cases of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18294. I. S. No. 4022–v. S. No. C–4277.)

On February 6, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 437 cases of frozen eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Cuero Packing Co., Cuero, Tex., January 11, 1924, and transported from the State of Texas into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On March 5, 1924, the Cuero Packing Co., Cuero, Tex., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion, under the supervision of this department, and the bad portion denatured before final release.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12171. Adulteration of jellies. U. S. v. 6 Cases of Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18022. I. S. Nos. 729–v, 730–v, 731–v. S. No. E–4574.)

On November 24, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of jellies, each containing 2 dozen jars, remaining unsold in the original packages at Alexandria, Va., alleging that the articles had been shipped by the U. S. Preserve Co., from Philadelphia, Pa., March 8, 1923, and transported from the State of Pennsylvania into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Betsy Ross Brand Jelly Currant Flavor" (or "Plum Flavor" or "Apple") "Fruit Juice, Sugar, Apple Base. U. S. Preserve Co. Phila., Pa. 7 Ozs. Net."

Adulteration of the articles was alleged in the libel for the reason that substances, pectin jellies, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the said articles.

On March 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12172. Adulteration of shell eggs. U. S. v. John Bostock. Plea of guilty. Fine, $25. (F. & D. No. 17602. I. S. No. 8201–v.)

On August 18, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Bostock, trading at Blue Hill, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about December 9, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "J. Bostock, Upland, Nebr."

Examination by the Bureau of Chemistry of this department of 1,800 eggs from the consignment showed that 143, or 7.94 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 10, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12173. Misbranding and alleged adulteration of canned oysters. U. S. v. 19,680 Cans and 720 Cans of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17432. I. S. Nos. 5312–v, 5313–v. S. No. C–4002.)

On or about March 26, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19,680 alleged 5-ounce cans and 720 alleged 10-ounce cans of oysters, remaining in the original unbroken packages at Kansas City, Mo., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about January 31, 1923, and transported from the State of South Carolina into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Oysters * * * Crystal Bay Brand * * * Contains 5 Oz. Oyster Meat" (or "Contains 10 Oz. Oyster Meat").

Adulteration of the article was alleged in substance in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower its quality and strength, and for the further reason that brine had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the said cans, "5 Oz." or "10 Oz.," as the case might be, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation and was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On April 16, 1923, the Shelmore Oyster Products Co., Charleston, S. C., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered finding the product to be misbranded and ordering that it be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12174. Misbranding of Noxit and B-I-F injection. U. S. v. 3 Dozen Bottles of Noxit and 4½ Dozen Bottles of B-I-F. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 10822, 10832. I. S. Nos. 13954–r, 13964–r. S. Nos. E–1634, E–1635.)

On July 8 and 11, 1919, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 3 dozen bottles of Noxit and 4½ dozen bottles of B–I–F injection, at Paterson, N. J., alleging that the articles had been shipped by the Frederick F. Ingram Co., Detroit, Mich., in part on or about December 1, 1917, and in part on or about May 21, 1919, and trans-

ported from the State of Michigan into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Noxit consisted essentially of zinc acetate, opium, berberine, alcohol, glycerin, and water, and that the B–I–F injection consisted essentially of zinc acetate, boric acid, opium, berberine, alcohol, glycerin, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that certain statements appearing in the circular accompanying the articles falsely and fraudulently represented them to be effective in the treatment and cure of gonorrhea, clap, and gleet, whereas, in truth and in fact, the said articles would not produce the curative and therapeutic effects claimed.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12175. Misbranding of linseed oil meal. U. S. v. 160 Sacks of Linseed Oil Meal. Decree entered providing for release of product under bond to be relabeled. (F. & D. No. 18455. I. S. No. 10598–v. S. No. E–4773.)

On March 10, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 sacks of linseed oil meal, consigned December 13, 1923, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Mann Bros. Co.. from Buffalo, N. Y., and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Pure Old Process Linseed Oil Meal From The Mann Bros. Co. Buffalo, N. Y. Guaranteed Analysis Minimum Protein 35 Minimum Fat 6 Maximum Fiber 10 Minimum Carbohydrates 35."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Minimum Protein 35," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 35 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On March 26, 1924, Walter F. MacNeal & Co., Baltimore, Md., having appeared as claimant for the property, judgment of the court was entered providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12176. Misbranding of macaroni and spaghetti. U. S. v. Jake Cusimano (J. Cusimano & Co.). Plea of guilty. Fine, $25. (F. & D. No. 17803. I. S. Nos. 6124–v, 6125–v, 9371–t.)

On January 17, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jake Cusimano, trading as J. Cusimano & Co., New Orleans, La., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 23, 1922, from the State of Louisiana into the State of Florida, of a quantity of spaghetti, and on or about January 5, 1923, from the State of Louisiana into the State of Alabama, of quantities of spaghetti and macaroni, all of which were misbranded. The macaroni was labeled in part: "Patriot Brand Elbows Macaroni Manufactured By J. Cusimano New Orleans, La. Net Weight 5 Oz.;" (stamped) "4 Oz." The spaghetti was labeled in part: "Patriot Brand Spaghetti Manufactured By J. Cusimano New Orleans, La." The consignment of spaghetti into Alabama was further labeled: "Net Weight 5 Oz.;" (stamped) "4 Oz."

Examination by the Bureau of Chemistry of this department of samples of the articles showed that the average net weight of 8 cartons of the macaroni was 3.69 ounces and that the average net weight of 8 cartons of the spaghetti consigned into Alabama was 3.76 ounces.

Misbranding of the macaroni and of the spaghetti consigned into Alabama was alleged in the information for the reason that the statements, to wit,

"4 Oz." and "Net Weight 5 Oz.," borne on the packages containing the articles, were false and misleading, in that they represented that the said packages contained not less than 4 ounces and not less than 5 ounces of the article, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained not less than 4 ounces and not less than 5 ounces of the article, whereas, in truth and in fact, the said packages did not contain 4 ounces of the said article but did contain a less amount. Misbranding was alleged with respect to the said macaroni and both consignments of the spaghetti for the reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12177. Adulteration of shelled filberts. U. S. v. 2 Bags, et al., of Shelled Filberts. Default decrees ordering destruction of product. (F. & D. Nos. 18245, 18246, 18247, 18248. I. S. Nos. 11909–v, 11910–v. S. No. W–1457.)

On December 29, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying for the seizure and condemnation of 14½ bags of shelled filberts, remaining in the original and unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Hale Co., San Francisco, Calif., on or about June 20, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Order Of The Hale Co."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12178. Adulteration and misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 16991. I. S. No. 3191–v. S. No. E–4229.)

On or about November 22, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Americus Oil Co., Americus, Ga., alleging that the article had been shipped from Americus, Ga., on or about September 12, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cottonseed Meal Guaranteed Analysis: Ammonia 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Cottonseed Meal Guaranteed Analysis: Ammonia 7.00%," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in ammonia.

On January 30, 1923, the Americus Oil Co., Americus, Ga., claimant, having admitted the allegations of the libel as to mislabeling, but claiming that it was unintentional, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled so as to accurately and correctly describe the product.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12179. Adulteration of walnut meats. U. S. v. 5 Cases of Walnut Meats. Decree entered providing for release of product under bond. (F. & D. No. 17321. I. S. No. 7696–v. S. No. W–1330.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Max Part, from Los Angeles, Calif., on or about November 22, 1922, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 24, 1924, the Sanitary Nut Shelling Co., Los Angeles, Calif., claimant, having paid the costs of the proceedings and having taken the product down under a good and sufficient bond, in conformity with section 10 of the act, to be sorted under the supervision of this department, a decree of the court was entered ordering that the product be released to the said claimant, such order to take effect as of the date of May 25, 1923.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12180. Adulteration of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18488. I. S. No. 15445–v. S. No. E–4778.)

On March 14, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Strasburg Creamery, from Strasburg, Ill., on or about March 1, 1924, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly and in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article to wit, butterfat, had been in part abstracted.

On March 17, 1924, Bartlett, Varney & Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12181. Misbranding of potatoes. U. S. v. Charles Hechtman. Plea of guilty. Fine, $30. (F. & D. No. 16418. I. S. Nos. 320–t, 321–t.)

At the July, 1923, term of the United States District Court within and for the District of Minnesota, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Charles Hechtman, Genola, Minn., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about August 1 and September 2, 1921, respectively, from the State of Minnesota into the State of Wisconsin, of quantities of potatoes which were misbranded. The consignment of August 1 was labeled in part: "150 Lbs. Potatoes weighed into this sack." The remaining consignment was unlabeled.

Examination by the Bureau of Chemistry of this department of 10 sacks from the consignment of August 1 showed that the average net weight of the contents of the said sacks was 138 pounds.

Misbranding was alleged with respect to the product consigned August 1 for the reason that the statement, to wit, "150 Lbs.," borne on the tags attached to the sacks containing the article, was false and misleading, in that it represented that each of said sacks contained 150 pounds of the said article. and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 150 pounds of the article, whereas, in truth and in fact,

each of said sacks did not contain 150 pounds of the article but did contain a less amount. Misbranding was alleged with respect to both consignments of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 19, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $30.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12182. Misbranding of Prof. Dupree's French specific pills. U. S. v. 5¾ Dozen Packages of Prof. Dupree's French Specific Pills. Default decree entered providing for destruction of product. (F. & D. No. 15212. I. S. No. 10978-t. S. No. W-995.)

On July 20, 1921, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5¾ dozen packages of Prof. Dupree's French specific pills, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the Cosmopolitan Drug Co., from New York, N. Y., in two consignments, namely, on or about May 12 and June 16, 1921, respectively, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes, iron sulphate, a trace of tansy oil, and plant drugs, coated with a mixture of sugar, starch, calcium carbonate, and talc, colored, some blue, others pink.

Misbranding of the article was alleged in substance in the libels for the reason that the packages bore labels and contained circulars in which appeared statements regarding the curative and therapeutic effects of the said article in relation to their "use in the suppression of irregularities of the menses * * * efficient in their results * * * take one pill every two hours, alternating first the blue and then the pink, until the desired effect is produced * * * girls approaching the age of puberty, who have not overcome the functional derangements induced by that * * * change * * * can be given these pills with great benefit," which said statements were false and fraudulent, since the said article did not contain ingredients or a combination of ingredients capable of producing the effects claimed.

On January 3, 1924, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12183. Adulteration and misbranding of oysters. U. S. v. National Packing Co., a Corporation. Plea of guilty. Fine, $15 and costs. (F. & D. No. 17421. I. S. Nos. 4445-v, 4446-v.)

On August 18, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Packing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 29, 1923, from the State of Maryland into the State of Ohio, of a quantity of oysters which were adulterated and misbranded. The article was labeled in part: "Banner Brand Quality Oysters Packed Only By National Pkg. Co. Baltimore, Md."

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in part for oysters, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Oysters," borne on the cans containing the article, was false and misleading, in that it represented that the said article consisted wholly of oysters, and for the further reason that the article was labeled as aforesaid so as to

deceive and mislead the purchaser into the belief that it consisted wholly of oysters, whereas, in truth and in fact, it did not so consist but did consist in part of added water.

On February 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $15 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12184. Misbranding of salad oil. U. S. v. 35 Cases of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18388. I. S. No. 15981–v. S. No. E–4735.)

On February 15, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of salad oil, at New York, N. Y., alleging that the article had been shipped by the Portsmouth Cotton Oil Refining Corp., from Portsmouth, Va., January 21, 1924, and transported from the State of Virginia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Waverly Salad Oil * * * Net Weight 7½ Lbs.:" (impressed on can) "1 Gal.;" (shipping case) "10 – 1 Gal. Cans."

Misbranding of the article was alleged in the libel for the reason that the statements, "1 Gal." and "10 – 1 Gal. Cans," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 7, 1924, Seeman Bros., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that the product be emptied into barrels and the erroneously labeled cans destroyed, under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12185. Adulteration and misbranding of vinegar. U. S. v. George K. Peters and Charles M. Butterfield (Fruit Products Co.). Pleas of guilty. Fine, $25. (F. & D. No. 17243. I. S. Nos. 8178–t, 9337–t, 9338–t, 9341–t.)

On June 29, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George K. Peters and Charles M. Butterfield, copartners, trading as the Fruit Products Co., Savannah, Ga., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 16, 1922, from the State of Georgia into the State of Florida, and on or about April 5 and 19, 1922, respectively, from the State of Georgia into the State of South Carolina, of quantities of vinegar, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled variously: (Barrels) "Fruit Products Co. Apple Cider Vinegar;" "Fruit Products Co. Red Distilled Vinegar;" "Fruit Products Co. White Distilled Vinegar;" (bottles) "Palmetto Distilled Red Vinegar * * * Pure Food Products Fruit Products Company Savannah, Georgia. Contents 32 Ozs."

Analyses of samples of the barreled product by the Bureau of Chemistry of this department showed that a portion of the article had been excessively diluted with water and that the remainder was a mixture of apple vinegar, distilled vinegar, and added water, containing not more than 15 per cent of apple vinegar. Examination of the bottled product by said bureau showed that the average measure of three bottles was 31.3 fluid ounces of the article.

Adulteration of the barreled product was alleged in the information for the reason that substances, to wit, distilled vinegar and water or excessive water, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for apple cider vinegar or distilled vinegar, as the case might be, which the article purported to be.

Misbranding of the barreled product was alleged for the reason that the statement, to wit, "Apple Cider Vinegar," borne on the barrels containing the

alleged apple cider vinegar, and the statement, to wit, "Distilled Vinegar," borne on the barrels containing the alleged distilled vinegar, were false and misleading, in that they represented that the article consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of apple cider vinegar or distilled vinegar, as the case might be, whereas, in truth and in fact, it did not so consist but the alleged apple cider vinegar consisted in part of distilled vinegar and added water and the alleged distilled vinegar consisted in part of excessive water. Misbranding of the barreled product was alleged for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article, to wit, apple cider vinegar or distilled vinegar, as the case might be.

Misbranding of the bottled product was alleged for the reason that the statement, to wit, "Contents 32 Ozs.," borne on the labels attached to the bottles containing the article, was false and misleading, in that it represented that each of the said bottles contained 32 ounces of the article, and for the further reason that the product was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 32 ounces of the article, whereas, in truth and in fact, each of said bottles did not contain 32 ounces of the article but contained a less amount. Misbranding of the bottled product was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of $25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12186. Adulteration and misbranding of canned oysters. U. S. v. J. Langrall & Bro., Inc., a Corporation. Plea of guilty. Fine, $15 and costs. (F. & D. No. 17948. I. S. Nos. 5880–v, 7989–v, 8652–v, 10356–v, 11416–v, 11962–v.)

On March 22, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. Langrall & Bro., Inc., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about December 20, 1922, from the State of Maryland into the State of Texas; on or about December 20, 1922, and January 21 and April 24, 1923, respectively, from the State of Maryland into the State of California; on or about January 2, 1923, from the State of Maryland into the State of Indiana; and on or about February 23, 1923, from the State of Maryland into the State of Utah, of quantities of canned oysters which were adulterated and misbranded. The article was labeled variously: "Maryland Chief * * * Cove Oysters Contents 5 Ounces Packed by J. Langrall & Bro. Inc.;" "Groub's Belle Brand * * * Extra Heavy Select Cove Oysters Contents 5 Oz. Avd.;" "Salt Rock Brand * * * Contents 4 Oz. Baltimore Cove Oysters * * * Packed By J. Langrall & Bro. Inc. Baltimore, Md.;" "Parrot Brand * * * Baltimore Cove Oysters Contains 4 Oz. Oysters * * * Packed By J. Langrall & Bro., Inc. Baltimore, Md., U. S. A."

Examination of the article by the Bureau of Chemistry of this department showed that it contained excessive brine and that the cans contained less than the declared weights of oysters.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Oysters," "Contents 5 Oz.," "Contents 5 Ounces," "Contents 4 Oz.," and "Contains 4 Oz. Oysters," as the case might be, borne on the labels attached to the cans containing the respective lots of the article, were false and misleading, in that they represented that the said article consisted wholly of oysters and that each of the said cans contained 4 ounces or 5 ounces, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly

of oysters and that each of the said cans contained 4 ounces or 5 ounces, as the case might be, of the said article, whereas, in truth and in fact, it did not consist wholly of oysters but did consist in part of excessive brine, and the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $15 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12187. Adulteration and misbranding of Grape Nip concentrate. U. S. v. 1 Barrel of Grape Nip Concentrate. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18222. I. S. No. 12606–v. S. No. E–4682.)

On December 21, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 barrel of Grape Nip concentrate, remaining in the original unbroken package at Baltimore, Md., alleging that the article had been shipped by the Orange Smash Co., from Birmingham, Ala., on or about November 20, 1923, and transported from the State of Alabama into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Orange Smash Company Birmingham, Alabama * * * Grape Nip Concentrate."

Adulteration of the article was alleged in the libel for the reason that an imitation grape flavor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed and colored in a manner whereby its damage or inferiority was concealed.

Misbranding was alleged for the reason that the label bore statements regarding the article and the ingredients and substances contained therein, to wit, (tag) "Grape Nip * * * Contains Extract Of Ripe Grapes Sugar And Water & Tartaric Acid," (sticker) "Grape Nip," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On January 28, 1924, the Orange Smash Co., Birmingham, Ala., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $125, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12188. Misbranding of olive oil. U. S. v. 8 Cases and 16 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17046. I. S. Nos. 5503–v, 5504–v, 5505–v. S. No. C–3851.)

On December 19, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases, 2-ounce size, and 16 cases, 6-ounce size, of olive oil, at Minneapolis, Minn., alleging that the article had been shipped by the Garibaldi Co., from Chicago, Ill., in various consignments, namely, on May 17, July 31, and November 21, 1922, respectively, and transported from the State of Illinois into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "Extra Cyrilla Imported Olive Oil Net 2 Fluid Oz." (or "Net 6 Fluid Oz.") "The Garibaldi Co. Chicago."

Misbranding of the article was alleged in the libel for the reason that the statements appearing on the labels of the respective-sized bottles, namely, "Net 2 Fluid Oz." and "Net 6 Fluid Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12189. Adulteration and misbranding of mineral water. U. S. v. Arthur W. Canfil (Grogan Wells & Boone Institute of Massage). Plea of guilty. Fine, $50. (F. & D. No. 12890. I. S. No. 8750-r.)

On July 20, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur W. Canfil, trading as Grogan Wells & Boone Institute of Massage, Sweetwater, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 28, 1919, from the State of Texas into the State of Kansas, of a quantity of mineral water which was adulterated and misbranded. The article was labeled in part: "Grogan Mineral Water * * * Grogan Wells and Boone Institute of Massage — Sweetwater, Tex."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Mineral constituents	Milligrams per liter
Radicals:	
Nitrate (NO_3)	32.0
Chloride (Cl)	1,531.0
Sulphate (SO_4)	9,169.0
Bicarbonate (HCO_3)	638.0
Sodium (Na) (diff)	2,931.0
Magnesium (Mg)	1,055.0
Calcium (Ca)	615.0
Iron (Fe) and aluminum (Al)	4.5
Total	15,975.5
Compounds:	
Sodium nitrate ($NaNO_3$)	44.0
Sodium chloride (NaCl)	2,524.0
Sodium sulphate (Na_2SO_4)	5,948.0
Magnesium sulphate ($MgSO_4$)	5,222.0
Calcium sulphate ($CaSO_4$)	1,389.0
Calcium bicarbonate ($Ca(HCO_3)_2$)	834.0
Ferrous bicarbonate ($Fe(HCO_3)_2$)	14.0
Total	15,975.0

Examination by said bureau showed the presence of large numbers of bacteria and gas-forming organisms indicating that the water was polluted with filthy animal and vegetable substances.

Adulteration of the article considered as a food was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding of the article considered as a drug was alleged in substance for the reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the labels of the bottles containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism, gastro-intestinal and all liver and kidney trouble, when, in truth and in fact, it was not.

On October 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12190. Misbranding of currant juice. U. S. v. 100 Cans, et al., of Currant Juice. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18452, 18453. I. S. Nos. 15344-v, 15439-v. S. Nos. E-4769, E-4770.)

On March 10, 1924, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 100 cans and 82 cases of currant juice, remaining in

the original unbroken packages in part at Newton Center and in part at Boston, Mass., alleging that the article had been shipped by W. H. Pride & Co., from San Francisco, Calif., on or about January 29, 1924, and transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "Pride's Pure Currant Juice W. H. Pride & Co. Bellingham, Washington."

Misbranding of the article was alleged in the libels for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 19, 1924, W. H. Pride & Co., Bellingham, Wash., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12191. Adulteration of walnut meats. U. S. v. 9 Cases of Walnut Meats. Decree entered providing for release of product under bond. (F. & D. No. 17319. I. S. No. 7695–v. S. No. W–1331.)

On March 24, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of walnut meats, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., on or about January 31, 1923, and transported from the State of California into the State of Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Order Of Sanitary Nut Shelling Company."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 24, 1924, the Sanitary Nut Shelling Co., Los Angeles, Calif., claimant, having paid the costs of the proceedings and having taken the product down under a good and sufficient bond, in conformity with section 10 of the act, to be sorted under the supervision of this department, a decree of the court was entered ordering that it be released to the said claimant, such order to take effect as of the date of May 25, 1923.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12192. Adulteration of shell eggs. U. S. v. Ezra Silver and Joseph Silver (J. A. Silver & Co.). Pleas of guilty. Fine, $25 and costs. (F. & D. No. 17235. I. S. No. 3932–v.)

On August 2, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ezra Silver and Joseph Silver, copartners, trading as J. A. Silver & Co., Stockport, Iowa, alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 10, 1922, from the State of Iowa into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,800 eggs from the consignment showed that 284 eggs, or 15.8 per cent of those examined, were inedible eggs, consisting of spot rots, mixed rots, and black rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On November 14, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of $25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12193. Adulteration of tomato paste. U. S. v. 294 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18226. I. S. No. 17632–v. S. No. C–4241.)

On December 31, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 294 cases of tomato paste, remaining in the original

unbroken packages at Chicago, Ill., alleging that the article had been shipped by John S. Mitchell, Inc., from Windfall, Ind., October 20, 1923, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On March 15, 1924, John S. Mitchell, Inc., Windfall, Ind., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion to be destroyed and the good portion and all cases, containers, and fittings to be retained by the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12194. Misbranding of Porose pills, Lafayette headache powders, and Lafayette cough sirup. U. S. v. 7 Packages of Porose Pills, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18189, 18201, 18203. I. S. No. 15305–v. S. Nos. E–4652, E–4658, E–4667.)

On December 19 and 24, 1923, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7 packages of Porose pills, 8 dozen bottles of Lafayette cough sirup, and 36 boxes of Lafayette headache powders, remaining in the original unbroken packages at Norwich, Conn., alleging that the articles had been shipped by the Lafayette Co., Berlin, N. H., in various consignments, namely, on or about November 17, 1922, and February 6 and July 20, 1923, respectively, and transported from the State of New Hampshire into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the Porose pills consisted essentially of extracts of plant drugs, including cascara sagrada, nux vomica, and oily matter, iron carbonate, and small amounts of sodium, arsenic, and sulphate, coated with sugar and calcium carbonate and colored red; that the Lafayette headache powders consisted essentially of acetanilide, caffeine, sodium bicarbonate, and aromatics, including cinnamon and ginger; and that the Lafayette cough sirup consisted essentially of extracts of plant drugs, including wild cherry, menthol, tar, sugar, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the labeling bore certain statements regarding the curative and therapeutic effects of the said articles, as follows, (Porose pills) (carton) "For Girls And Women Of All Ages * * * For Weak Women Of All Ages," (box and wrapper) "A special French remedy for ladies and young girls * * * quiets nervous and sleepless persons * * * for the critical age of both mothers and daughters and all women's complaints in general," (circular) "for ladies * * * . Women * * * weakened by various diseases * * * are returned to perfect health by the use of Porose Pills. * * * for women's diseases. * * * effective in diseases caused by anemia, such as general weakness of the body * * * delayed or painful periods (menses,) womb troubles, leucorrhea (whites,) back-ache, pain in the sides, palpitation of the heart, general debility * * * irritation and nervousness. In general, suffering of women complaints of any kind, caused by the change of life, and the critical age of young women, or any complaints that give a sickly appearance, ought to use Porose Pills, which will render them their health and good looks. * * * their curative power * * * permanent cure * * * curative effect. * * * For pale or weak young ladies suffering of * * * any * * * complaint particular to women, Porose Pills are an invaluable remedy, which will return to them the color and complexion indicating perfect health. * * * Most women complaints are caused by delayed or even suppressed * * * (menses,) * * * irregular uterine functions. * * * the best of regulating tonics for all women complaints. * * * Puberty Or Change Of Age At the critical

stage in the life of any young woman, Porose Pills will furnish the necessary vitality to conquer the weakness torpor (numbness) that characterizes that age. Irregular Periods (Menses) * * * Pregnancy And Maternity * * * will strengthen and facilitate greatly the confinement * * * Leucorrhea (Whites) * * * unequalled for the treatment of this complaint. * * * Womb Troubles * * * Indigestion And Sour Stomach * * * Dyspepsia * * * Kidney trouble is invariably relieved;" (cough sirup) (bottle) "for * * * affections of the throat or lungs," (carton) "for * * * affections of the Throat and Lungs" (similar statements in French on both bottle label and carton); (headache powders) (box) "Headache * * * Reliable Reliever * * * Relieve Nervous and Bilious Headaches, Neuralgia, Sleeplessness, Cold with Fever, La Grippe, Mental exhaustion, and Sour Stomach." (French) "Allay all pains in the Head, all kinds of Neuralgia Heaviness of the Head, Nonchalance, Apathy resulting from intellectual Overwork, from Loss of Sleep or from a Bad Digestion. * * * effectively alleviate Grippe accompanied or not with Fever," which statements, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On March 4, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12195. Adulteration of frozen whole eggs. U. S. v. 711 Cases of Frozen Whole Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18431. I. S. No. 2904–v. S. No. E–4760.)

On February 29, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 711 cases of frozen whole eggs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by J. E. Roads, National Cold Storage Co., Jersey City, N. J., alleging that the article had been shipped from Jersey City, N. J., on or about January 31, 1924, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On April 1, 1924, Edson Bros., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12196. Adulteration and misbranding of butter. U. S. v. 100 Cases, et al., of Butter. Decrees entered providing for release of product under bond to be reprocessed. (F. & D. Nos. 18442, 18444. I. S. Nos. 15065–v, 15066–v, 15068–v. S. Nos. E–4763, E–4764.)

On March 4, 1924, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 218 cases of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Hanford Produce Co., from Blue Island, Ill., on or about February 4, 1924, and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "1 Lb. Net Weight * * * Pasteurized Armour's Clover-

bloom * * * Creamery Butter," "Creamery Butter," and "Supreme Fancy Creamery Butter * * * Supreme Butter Is Guaranteed Absolutely Pure Creamery Butter, Made From Pasteurized Cream In The Best Creameries In The Finest Butter Producing Section Of The World. And If Not Better Than Any Other Butter You Ever Had On Your Table," as the case might be, appearing on the labels of respective portions of the said article, were false and misleading and deceived and misled the purchaser when applied to a product containing excessive moisture and deficient in butterfat.

On March 12, 1924, the North American Provision Co. and Armour & Co. having appeared as claimants for respective portions of the property, judgments of the court were entered ordering that the product be released to the said claimants, upon the execution of bonds in the aggregate sum of $7,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department and that the claimants pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12197. Adulteration and misbranding of butter. U. S. v. 299 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18429. I. S. No. 13131-v. S. No. E-4758.)

On March 1, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 299 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fulton Market Cold Storage, from Chicago, Ill., on or about August 31, 1923, and transported from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged in the libel for the reason that the article was offered for sale under the distinctive name of another article.

On March 29, 1924, Droste & Snyder, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $6,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12198. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17830. I. S. No. 2284-v. S. No. E-4487.)

On September 18, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases containing cans of sardines, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Columbian Canning Co., Lubec, Me., on or about July 28, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Champion Brand American Sardines * * * Columbian Canning Co. * * * Packed And Guaranteed By The Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12199. Adulteration of walnuts. U. S. v. 129 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18060. I. S. No. 11969–v. S. No. W–1437.)

On November 15, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 129 bags of walnuts, remaining in the original unbroken packages at Los Angeles, Calif., consigned by M. Arachtingi, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about August 31, 1923, and transported from the State of New York into the State of California, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 7, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12200. Adulteration of frozen eggs. U. S. v. Northern Produce Co., a Corporation. Plea of guilty. Fine, $10. (F. & D. No. 17241. I. S. No. 898–t.)

On December 4, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Produce Co., a corporation, St. Paul, Minn., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 31, 1921, from the State of Minnesota into the State of Illinois, of a quantity of frozen eggs which were adulterated.

Examination by the Bureau of Chemistry of this department showed a high bacteria count in the product, with large numbers of gas-producing organisms present. Physical examination showed that the product had a putrid or sour odor.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On December 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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N. J. No.

Alimentary paste, macaroni:
Cusimano, J., & Co 12176
spaghetti:
Cusimano, J., & Co 12176
Apple jelly. *See* Jelly.
B-I-F injection:
Ingram, F. F., Co 12174
Butter:
Fulton Market Cold Storage 12197
Hanford Produce Co 12196
Mooresville Cooperative Creamery Co. 12162
Reed's Creamery Co 12163
Strasburg Creamery 12180
Catsup. *See* Tomato catsup.
Cottonseed meal. *See* Feed.
oil. *See* Oil.
Cough sirup:
Lafayette Co 12194
Currant jelly. *See* Jelly.
juice:
Pride, W. H., & Co 12190
Dupree's specific pills:
Cosmopolitan Drug Co 12182
Eggs:
Bostock, John 12172
Lamkin, E. H 12161
Meador, T. D., Grocery Co 12160
Silver, J. A., & Co 12192
frozen:
Cuero Packing Co 12170
National Cold Storage Co 12195
Northern Produce Co 12200
Roads, J. E 12195
Feed, cottonseed meal:
Americus Oil Co 12178
linseed meal:
Mann Bros. Co 12175
mixed:
Superior Feed Co 12167
Filberts. *See* Nuts.
Fish, salmon:
Alaska Consolidated Canneries Co 12166
Hidden Inlet Canning Co 12165
sardines:
Columbian Canning Co 12151, 12198
Flour:
Williamson Milling Co 12155
Grape Nip concentrate:
Orange Smash Co 12187
Headache powders:
Lafayette Co 12194
Injection, B-I-F:
Ingram, F. F., Co 12174
Jelly, apple:
U. S. Preserve Co 12171
currant:
U. S. Preserve Co 12171
plum:
U. S. Preserve Co 12171

N. J. No.

Lafayette cough sirup:
Lafayette Co 12194
headache powders:
Lafayette Co 12194
Linseed meal. *See* Feed.
Macaroni. *See* Alimentary paste.
Mineral water. *See* Water.
Mixed feed. *See* Feed.
Mustard:
Empire Bottling Works 12156
Nuts, filberts:
Hale Co 12177
walnuts:
Arachtingi, M 12199
Getz, M., & Co 12154
Magnus Fruit Products Co 12152
Mitchell, F. L., & Son 12153
Part, Max 12179
Sanitary Nut Shelling Co 12157, 12191
Noxit:
Ingram, F. F., Co 12174
Oil, cottonseed:
Portsmouth Cotton Oil Refining Corp. 12184
olive:
Garibaldi Co 12188
Olive oil. *See* Oil.
Oysters. *See* Shellfish.
Pears:
Milton Fruit Growers Cooperative Union 12158
Plum jelly. *See* Jelly.
Porose pills:
Lafayette Co 12194
Potatoes:
Hechtman, Charles 12181
Prunes:
Milton Fruit Growers Cooperative Union 12158
Salmon. *See* Fish.
Sardines. *See* Fish.
Shellfish, oysters:
Langrall, J., & Bro 12186
National Packing Co 12183
Shelmore Oyster Products Co 12173
Spaghetti. *See* Alimentary paste.
Specific pills:
Cosmopolitan Drug Co 12182
Strawberries:
Adams & Herron 12169
Bonds, J. D., & Co 12164
Tomato catsup:
Pecoto Packing Co 12159
paste:
Mitchell, J. S 12193
Tomatoes, canned:
Delaware Packing Co 12168
Vinegar:
Fruit Products Co 12185
Walnuts. *See* Nuts.
Water:
Grogan Wells & Boone Institute of Massage 12189

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